

1 BILL NO. G-81-08-16 (AS AMENDED)

2 GENERAL ORDINANCE NO. G- 1481

3 AN ORDINANCE dealing with animal
4 control, care and disposition, creating an
5 animal control commission, the rigid enforcement
6 of laws dealing with animals and repealing all
7 ordinances in conflict herewith

8 General Purpose

9 It is the purpose of this ordinance to establish in
10 the City of Fort Wayne, Indiana, provisions for control of
11 animals and for their proper care and disposition, to rigidly
12 enforce all laws dealing with animals, and to set up an animal
13 control commission and executive director thereof to supervise
14 the operation of the Animal Control Shelter and control of
15 animals.

16 This ordinance repeals Section 6-1 to and including
17 Section 6-29 of the Code of the City of Fort Wayne, Indiana, of
18 1974, and the following is substituted therefor:

19 ARTICLE I

20 DEFINITIONS

21 Section 6-1

22 ALTERED ANIMAL: Any animal that has been operated on to prevent
23 it from procreating.

24 ANIMAL: Any living vertebrate, domestic or wild, except a
25 human being

26 ANIMAL CONTROL COMMISSION: Animal Control Commission shall be
27 the governing board.

28 ANIMAL CONTROL SHELTER: The municipally owned facility
29 established for the purpose of animal control, care and
30 disposition, as set forth in this ordinance, operated by and
31 under the direct supervision of the Fort Wayne Animal Control
32 Commission and the Executive Director of the Shelter.

AUCTION: Any place or facility where animals are regularly
bought or sold or traded, except for those facilities otherwise
defined in this ordinance or State Law.

BREEDER: Any person who for compensation causes the breeding
or selling of any dog or cat or makes any dog or cat available
for breeding purposes.

CATTERY: Any person, group of persons, partnership or corpora-
tion owning or harboring more than three (3) cats.

CIRCUS: A commercial variety show including animal acts for
public entertainment.

COMMERCIAL ANIMAL EXHIBIT: Display or show of wild or domestic
animals in a shopping center, retail establishment, adjacent lot,
or elsewhere, for the purpose of promoting retail sales.

1 GROOMING SHOP: A commercial establishment where animals are
2 bathed, clipped, plucked or otherwise groomed.

3 GUIDE DOGS: Dogs trained to assist the handicapped.

4 ANIMAL WELFARE ORGANIZATION: Any not-for-profit organization
5 for the prevention of cruelty to animals incorporated under
6 the laws of the State of Indiana.

7 KENNEL: Any person, group of persons, partnership or corporation
8 engaged in the keeping of more than three (3) dogs, or the
9 business of boarding, or training for a fee, or grooming.

10 OWNER: A person having the right of property or custody of a
11 dog or cat or who keeps or harbors a dog or cat or knowingly
12 permits a dog or cat to remain on or about any premises
13 occupied by that person.

14 PERSON: A person, for purposes of this ordinance, shall be
15 defined as an individual, firm, corporation, or commercial
16 establishment.

17 PET: Any animal owned or harbored by any person, group of
18 persons, partnership or corporation, except guide dogs, or
19 Police or canine governmental dogs.

20 PET SHOP: Any person, group of persons, partnership, or corpora-
21 tion whether operated separately or in connection with another
22 business enterprise, except for a licensed cattery or kennel,
23 that buys, sells, or offers for sale any species of animal.

24 PUBLIC NUISANCE: Any animal which:

- 25 1. Interferes with passersby or passing vehicles,
- 26 2. Attacks other animals or person,
- 27 3. Trespasses on school grounds,
- 28 4. Is repeatedly at large or unrestrained,
- 29 5. Damages private or public property, or
- 30 6. Barks, whines or howls or makes other sounds
31 common to its species in excess.

32 RABIES VACCINATION: The injection, by a licensed veterinarian,
of a dog, cat, or other animal with a rabies vaccine licensed
by the U.S.D.A. and approved by the Indiana State Board of
Animal Health.

RESTRAINT: Any animal secured by a leash or lead, or under the
control of the animal's owner or attending party and obedient
to that person's control, or within the real property limits
of its owner.

RIDING SCHOOL OR STABLE: Any place which has available for
hire, boarding or riding instruction, any horse, pony, donkey,
mule or burro.

RODEO: A performance featuring bronc riding, steer wrestling,
calf roping, greased pig contest or bull riding.

VETERINARY HOSPITAL: Any establishment maintained and operated
by a licensed veterinarian for the purpose of hospitalization
of animals or the diagnosis and treatment of diseases and
injuries of animals.

VICIOUS ANIMAL: Any animal that has, without provocation,
attacked a human being.

1 WILD ANIMAL: Any living vertebrate animal normally found in
2 the wild state.

3 ZOOLOGICAL PARK: Any permanent facility or operation other
4 than a pet shop, displaying or exhibiting one or more species
of non-domestic animals, operated by a person, partnership,
corporation or government agency.

5 ARTICLE II

6 FORT WAYNE ANIMAL CONTROL COMMISSION

7 Section 6-2 FORMATION

8 (1) ANIMAL CONTROL COMMISSION: The Animal Control Shelter
9 shall be operated by a voting five (5) member board,
so named the Fort Wayne Animal Control Commission.
10 The Commission members shall be appointed to serve a
three (3) year term, terms to be staggered. No limit
11 shall be set on numbers of terms a Commissioner can
serve, all members to serve without compensation.

12 a. Three (3) of the Commission members shall be
13 appointed by the Mayor. The two (2) remaining
members of the Commission shall be appointed by
14 the City Council.

15 b. At the outset, the Mayor shall appoint one
person to serve one year, one person to
16 serve two years, and one person to serve three
years. The City Council shall appoint one
17 person to serve two years, and one person to
serve three years.

18 c. This selection shall not be based on political
19 affiliations, but on interest in animal care and
control and knowledge of same.

20 (2) ORGANIZATIONAL MEETING:

21 a. The first meeting of the Commission shall be
22 convened by the Executive Director of the Shelter.

23 b. The Commission shall elect a Chairman, Vice
Chairman, and a Secretary from among its members.

24 c. The Secretary shall be charged with the duty of
25 keeping and maintaining the minutes and other
records of the Animal Control Commission.

26 (3) MEETINGS, RULES AND REGULATIONS: The Commission shall
27 meet at least once each month, or upon special call
by the Chairman, or upon the written request to the
28 Chairman by any three (3) members. It shall adopt
rules and regulations as may be necessary or appro-
29 priate in its judgment to carry out the provisions
of the ordinances and laws under which it exists
and performs its functions.

30 (4) QUORUM: Three (3) members of the Animal Control
31 Commission shall constitute a quorum to do business.

32 (5) VACANCIES: In the case of a vacancy in office due to
death, resignation, incapacity, removal or otherwise,

1 the appointment to fill the vacancy so occurring
2 shall be made by the original appointing body for the
3 unexpired term only and shall be subject to the
4 provisions stated in Section 6-2 (1).

5 Section 6-3 DUTIES AND POWERS OF ANIMAL CONTROL COMMISSION

- 6 (1) To cause to be enforced all city ordinances and/or
7 State laws regarding animal care and control. A
8 policy on inspections shall be formulated by the Com-
9 mission and submitted by ordinance to the Mayor
10 and the City Council for approval.
- 11 (2) To maintain and operate the city's Animal Control
12 Shelter or shelters which have been designated for
13 the humane sheltering or protection and disposition
14 of animals coming into its custody.
- 15 (3) To purchase all necessary materials for the proper
16 and efficient performance of the services and work
17 required of the Shelter, consistent with the city's
18 duly established purchasing procedures.
- 19 (4) To cause to be picked up and transported to the
20 Animal Control Shelter all unwanted animals, all
21 animals illegally at large, and all sick, diseased,
22 injured, lost, strayed, stolen, or abandoned animals.
23 Those animals whose owners request, may be promptly
24 euthanized at said Shelter. In addition, any animal
25 which appears to be ill and would pose a health hazard
26 to other animals, or any animal which is injured so
27 that it cannot rest comfortably for a minimum of
28 three (3) working days may be destroyed immediately
29 as so authorized by the Executive Director or his/her
30 authorized agent. All other animals shall be kept at
31 said Shelter or place designated by said Shelter for
32 a period of not less than three (3) working days to
afford owners the opportunity to claim the animal.
After such period of time, unclaimed animals shall be
placed in a suitable home, retained at said Shelter
or euthanized. Animals released to said Shelter by
their owners, or impounded animals not claimed within
the legal time become the property of said Shelter
and disposition may be made at said Shelter's
discretion.
- (5) To cause to be picked up and disposed of all dead
animals found in or on any street or sidewalk, alley
or other public place in the City.
- (6) To cause to be investigated all reports and complaints
concerning any inhumane treatment or practices per-
taining to animals within the City. To cause to be
impounded at the Animal Control Shelter or suitable
places designated by Animal Control Shelter all
animals found in conditions adverse to their health
and safety. Such impoundment or placement shall be in
accordance with the provisions of Article VIII
Section 6-22.
- (7) To enter into contracts with any municipalities or
governmental units or any person, association or
corporation for the collection, transportation,

sheltering and disposal by said Shelter for sick, diseased, injured, illegally at large, lost strayed or abandoned animals provided that no such services be extended by said Shelter outside the City, except under written contract with the unit, person, association or corporation concerned and at a charge based upon the actual cost of such services, including overhead; provided that no such contract shall be effective except upon the approval of the City Attorney or a duly designated Associate, as to form and legality, the approval of the Mayor, and the ratification by City Council.

- (8) To employ all personnel necessary for the efficient performance of the duties required of said Shelter.
- (9) To prepare and submit to the City Council through the City Controller, an annual budget, for its financing of its operations and performance of its duties.
- (10) To submit to the Mayor, and to the City Council, no later than January 30th of each year, a report of its activities and operations for the prior year.
- (11) To establish reasonable fees to be charged to persons reclaiming and adopting animals, and to collect such fees, such fees to be adopted only after Commission approval and submission to the Mayor and City Council for approval and adoption.
- (12) To provide that all dogs and/or cats released for adoption, shall be spayed or neutered and provisions made for a program to monitor said spay/neuter plan.

ARTICLE III

ANIMAL CARE REGULATIONS

Section 6-4 ANIMAL CARE REGULATIONS

- (1) No person shall confine or allow his or her animal to remain outside during weather conditions which would constitute a health hazard to the animal without providing appropriate shelter.
- (2) No animal shall be hitched, tied or fastened by any rope, chain or cord that is directly attached to the animal's neck or choke collar. Animals that must be tied, hitched or fastened to restrain them must wear a properly fitted collar or harness. The tying device shall be attached to the animal's collar or harness.
- (3) All animals shall have fresh, potable drinking water and be provided with food that is nutritional for that species.
- (4) Cats and dogs over the age of six (6) months must be vaccinated by a licensed veterinarian against rabies, and must wear a tag at all times attached to a properly fitted collar or harness.
- (5) All animals shall be provided with necessary medical care in addition to the required rabies vaccination.

- (6) Persons responsible for an animal shall immediately remove the animal's excrement from public lands or from his own property or the property of another, excepting a blind person working with a guide dog.
- (7) All animals, where kept inside, or in a pen, tied, fastened, hitched, leashed, or enclosed in a fence shall be kept in a sanitary manner. The persons responsible for the animal(s) shall regularly and as often as necessary to prevent odor or health and sanitation problems, maintain all animal areas or areas of animal contact.
- (8) No wild or exotic animal shall be kept within the City without the necessary State and/or Federal permits.
- (9) All animals shall be properly restrained as defined in this ordinance.
- (10) No person owning, harboring or responsible for an animal shall beat, cruelly treat, neglect, torment, overload, overwork, or otherwise abuse any animal.
- (11) No person shall permit or conduct any dog fight, cockfight, or other combat between animals or between animals and humans.
- (12) No person shall set any type of poisonous substance or bait within the city limits that is deemed harmful to any domestic animal; provided, however, that controlled programs under the direction of the City Board of Health or a licensed extermination service may be excluded.
- (13) Any person operating a motor vehicle who causes injury or death to an animal shall stop at once, assess the extent of injury, and immediately notify the owner or Animal Control Shelter of the location of the animal.
- (14) No animal shall be left unattended in a vehicle when the conditions in that vehicle would constitute a health hazard to the animal.
- (15) No animal may be induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner which will cause, or is likely to cause physical injury or suffering.
- (16) Every female dog or cat in heat shall be confined in a secure building or enclosure so as to prevent conception except during instances of planned breeding.
- (17) No person shall abandon or cause to be abandoned any animal anywhere within the City limits in any public or private place, way or building.
- (18) No person shall own or harbor a public nuisance as defined in this ordinance.
- (19) No person shall own or harbor a vicious animal as defined in this ordinance.

- (20) No person shall sell, offer for sale, trade, barter, or give away any live animal, fish, bird, or reptile as a prize for, or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter any business establishment or enter into any business agreement whereby the offer was made for the purpose of attracting trade, for business other than establishments selling animals as their primary business.
- (21) No person shall sell, offer for sale, trade, or barter any animal whose appearance has been chemically altered by dyes or staining.
- (22) No person shall sell, offer for sale, barter, or give away baby rabbits, chicks, goslings, ducklings or other fowl as pets or novelties. This section shall not be construed to prohibit the sale or display of baby rabbits, chicks, goslings, ducklings or other fowl in proper brooder facilities by hatcheries or stores engaged in the business of selling them to be raised for commercial purposes.
- (23) No person shall keep or maintain any coop in which chickens, ducks, turkeys or other domestic fowl and poultry are kept within a distance of less than fifty (50) feet from any dwelling.
- (24) No person shall conduct or allow the following events within the City Limits:
- a. Rodeos,
 - b. Donkey Basketball Games,
 - c. Greased Pig Contests.
- (25) No person other than a duly authorized agent of the Animal Control Shelter may destroy any domestic animal within the City limits; provided, however, this provision shall not apply to the following:
- a. a licensed veterinarian,
 - b. those persons acting in immediate self protection,
 - c. City Police Officers or Firemen acting to prevent undue suffering.
- (26) No person shall permit the continuous barking, whining, or howling of a dog. When called, the Animal Control Shelter will investigate promptly and maintain records on the violation in such a manner that will permit expeditious follow-up and enforcement. After the second offense, the offending party shall be subject to Article VII, Section 6-21.
- (27) No person shall interfere with an Animal Control Officer in the pursuit of his/her duties as an Officer.
- (28) Violations of the provisions of this Section may result in impoundment of the animal(s) in accordance with Section 6-22.
- (29) Any violation of the above paragraphs 1 to 26 will result in a fine in accordance with Article VII, Penalties/Violations.

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1 Section 6-8 KENNEL/CATTERY PERMITS

- 2 (1) Any person owning or harboring more than three (3)
3 dogs over the age of six (6) months must apply for a
4 kennel/cattery permit.
- 5 (2) Any person owning or harboring more than three (3)
6 cats over the age of six (6) months must apply for a
7 kennel/cattery permit.
- 8 (3) Permit holder has right to request that any dog or
9 cat accepted be vaccinated against common diseases
10 and proof of such vaccination be furnished to the
11 kennel/cattery operator. Any dog or cat accepted
12 must be in compliance with the rabies vaccination
13 requirements of this ordinance.
- 14 (4) All kennel/cattery operators shall take care to house
15 animals in a sanitary manner. Appropriate care,
16 medical services and housing shall be given according
17 to individual breeds.
- 18 (5) In the event that an animal dies while being boarded
19 or while in training, the body shall be preserved
20 until owner's return or taken to a licensed veterin-
21 arian for an autopsy.

22 Section 6-9 PROFESSIONAL BREEDER'S PERMIT

- 23 (1) Any person who for pay causes the breeding of a male
24 or female dog or cat, or makes a dog or cat available
25 for breeding purposes, and who offers for sale, or
26 sells any dog or cat, and who obtains a kennel or
27 cattery permit, shall pay an annual permit fee of
28 One Hundred Dollars (\$100) in order to obtain a
29 Professional Breeder's permit and number.
- 30 (2) Such person shall not be restricted in the number of
31 litters of dogs or cats he may breed or offer for sale.
- 32 (3) Such person shall be required to furnish the Animal
33 Control Shelter with information on the birth of each
34 litter of dogs or cats as may be required by the
35 Shelter to register that litter of dogs or cats with
36 the Shelter, and to be assigned a litter number for
37 each litter.
- 38 (4) The Professional Breeder shall further be required to
39 register with the Animal Control Shelter the name,
40 address, and telephone number of each buyer or new
41 owner of any dog or cat sold or transferred within
42 five (5) days after the date of such sale or transfer.
- 43 (5) The Professional Breeder shall transmit to the new
44 owner or buyer the litter number of the animal
45 acquired, and the Professional Breeder's permit
46 number in order that the new owner have assurance and
47 proof that the animal has been legally bred.
- 48 (6) Any person who advertises the availability of any
49 animal(s) must also advertise the valid permit number.
- 50 (7) All animals offered for sale must be immunized against
51 common diseases.

- 1 (8) No puppy or kitten under the age of eight (8) weeks
2 may be sold, offered for sale or given away
3 (exception being litters taken to the Animal Control
4 Shelter).
- 5 (9) Permit holder will furnish warranty of health for a
6 period of not less than one (1) week with recommenda-
7 tion to have examined by licensed veterinarian for
8 each animal sold.

9 Section 6-10 DOMESTIC HOUSEHOLD BREEDER'S PERMIT

- 10 (1) Any person who for pay causes the breeding of a male
11 or female dog or cat, or makes a dog or cat available
12 for breeding purposes, and who offers for sale or
13 sells any dog or cat, and who does not qualify for a
14 kennel or cattery permit, shall not be permitted to
15 allow the whelping of more than one litter per female
16 animal in his or any other domestic household in a
17 twelve-month period.
- 18 (2) Such persons must obtain a Domestic Household Breeder's
19 permit and number by paying an annual fee of Seventy-
20 five Dollars (\$75).
- 21 (3) Such persons shall be required to furnish the Animal
22 Control Shelter with such information on the birth of
23 the litters of dogs or cats per year as may be re-
24 quired by the Animal Control Shelter to register the
25 litters of dogs or cats with the Shelter, and to be
26 assigned a number for each litter.
- 27 (4) The Domestic Household Breeder shall be further re-
28 quired to register with the Animal Control Shelter the
29 name, address, and telephone number of each buyer or
30 new owner of any dog or cat transferred within five
31 (5) days after the sale or transfer.
- 32 (5) The Domestic Household Breeder shall transmit to the
new owner or buyer the litter number of the animal
acquired, and the Domestic Household Breeder permit
number in order that the new owner have assurance and
proof that the animal has been legally bred.
- (6) Any person who advertises the availability of any
animal(s) must also advertise the valid permit number.
- (7) All animals offered for sale must be immunized against
common diseases.
- (8) No puppy or kitten under the age of eight (8) weeks
may be sold, offered for sale or given away (exception
being litters taken to the Animal Control Shelter).
- (9) Permit holder will furnish warranty of health for a
period of not less than one (1) week with recommenda-
tion to have examined by licensed veterinarian for
each animal sold.

Section 6-11 VETERINARY HOSPITALS/CLINICS

- (1) All animals shall be housed humanely and in a
sanitary manner.

- 1 (2) Veterinarians shall keep records of each animal
2 accepted for treatment, diagnosis, or routine health
3 care.
4 (3) Veterinarians who engage in boarding, grooming or
5 other business in addition to the treatment and/or
6 medical care of animals shall obtain a permit as
7 herein provided.

8 Section 6-12 GROOMING SHOP PERMIT

- 9 (1) Any person who has a grooming shop as defined in this
10 ordinance shall obtain a grooming shop permit.
11 (2) Permit holder has the right to request that any dog or
12 cat accepted for grooming be vaccinated against common
13 diseases, and require proof of such vaccinations be
14 furnished to the shop operator.

15 Section 6-13 PET SHOP PERMIT

- 16 (1) Any person operating a pet shop as defined in this
17 ordinance shall obtain a pet shop permit.
18 (2) The permit holder shall furnish the purchaser a written
19 statement at the time of sale containing the following:
20 a. Date of sale,
21 b. Name, address and telephone number of
22 purchaser and permit holder,
23 c. Permit number of permit holder,
24 d. Breed, description, approximate age and sex of
25 dog, cat or other animal sold. (Small mammals,
26 parrot type birds, and fish not included.)
27 e. Prophylactic medication and immunization and
28 dates administered,
29 f. Internal parasite medication(s) and date(s)
30 administered,
31 g. A guarantee of good health for a period of
32 not less than one (1) week with recommendation
to have the animal examined by a licensed
veterinarian.

The permit holder shall retain a copy of the written
statement for a period of twelve (12) months from the
date of sale.

- (3) The Pet Shop permit holder shall be further required
to register with the Animal Control Shelter the name,
address, and telephone number of each buyer or new
owner of any dog or cat transferred within five (5)
days after the sale or transfer.
(4) The Animal Control Officer or Health Department may
restrict the sale of any animal suspected of being
diseased or otherwise unfit for sale. An examination
by a licensed veterinarian may be requested at the
expense of the enforcing agency.
a. The permit holder shall reimburse the enforcing
agency's veterinary fees if the inspection by the
veterinarian concludes the animal to be unfit for
sale at the time of inspection.

b. The inspection is to be made by veterinarian within twenty-four (24) hours of the enforcing agency's determination that the said animal is not fit for sale.

- (5) All pet shops defined herein and stores selling animals, birds, reptiles and fish as pets shall take care to house animals in a sanitary manner, appropriate medical services, care, and housing shall be given according to individual species needs.

Section 6-14 CIRCUSES AND COMMERCIAL ANIMAL EXHIBITS

- (1) Any person who is responsible for a Circus or a Commercial Animal Exhibit as defined by this ordinance must obtain a Circus or Commercial Animal Exhibit permit.

Section 6-15 ZOOLOGICAL PARKS

- (1) Zoological Parks shall be issued complimentary permits at no fee.

Section 6-16 ANIMAL CONTROL SHELTER/ ANIMAL WELFARE ORGANIZATION

- (1) No permit shall be required of the Animal Control Shelter or Animal Welfare Organization; however, all other provisions of this ordinance shall apply.

ARTICLE VI

REGISTRATION AND PERMIT APPLICATIONS/INSPECTIONS/FEEs

Section 6-17 APPLICATION/TERM

- (1) Application for registrations or permits may be made at the City Controller's Office or designated facility, or by mail, and shall include name, address of applicant, type of permit applied for, number and description of animal(s), proof of rabies vaccination, information regarding sterilization, and appropriate fee.

a. All applicants must be in compliance with zoning and all other applicable state or local laws.

b. Those permits that require prior inspection will not be issued until proof of such inspection is made available to Controller's Office by the inspecting agency.

- (2) Registration and permits are to be issued for a term of one (1) year, commencing with the first day of February and expiring at midnight on the last day of the licensing period. Application for registration or permits may be made from February 1 through April 30 without penalty. After April 30, all applicants will be required to pay an additional Five Dollars (\$5) for each registration or permit required; provided, however, circuses, performing animal acts, or exhibitions shall be exempt from the penalty.

- (3) Upon issuance, City Controller's Office shall issue a registration or permit in written form which includes

number of registration or permit, type of registration or permit, and all pertinent information. In addition, the Controller's Office shall issue a durable tag stamped with registration number and year of issuance for each pertinent registration.

- (4) The Controller's Office shall maintain records of the identifying registration/permit number and make such records available in written form to the Animal Control Shelter.
- (5) All fees shall be paid at time of application, and prior to the issuance of the permit or registration.

Section 6-18 INSPECTION

- (1) Whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by this Ordinance or when there is reasonable cause to believe that there exists in any building or upon any premises any violation of the provisions of this Ordinance or Indiana State law, the Animal Control Officer or Health Officer or Police Officer is authorized at all reasonable times to inspect the same for compliance with the provisions of this Ordinance or any State law; provided that:
- a. If the property is occupied, the officer shall first present proper credentials to the occupant and request entry explaining the reasons therefor; and
- b. If the property is unoccupied, the officer shall make a reasonable effort to locate the owner or other persons having control of the property and request entry explaining the reasons therefor.
- (2) In the event the Animal Control Officer, Board of Health or Police Officer, has reasonable cause to believe that the keeping or maintaining of an animal is so hazardous, unsafe or dangerous as to require immediate inspection to safeguard the animal or the public health or safety the officer shall first present proper credentials and request entry explaining the reasons therefor. If entry is refused or cannot be obtained because the owner or other person having charge or control of the property cannot be found after reasonable search, the Officer shall have recourse to secure lawful entry and inspection of the property.

Section 6-19 FEES

In addition to all other fees required by law to be paid, the following fees shall be paid:

- (1) Pet Registration:
- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| Each altered dog or cat..... | \$2.00 |
| Each unaltered dog or cat..... | \$5.00 |
| Each dog or cat owned by a
person over age of 65..... | \$2.00 |
| A statement from a veterinarian
saying that neutering shall
constitute a threat to the
health of that animal shall be
issued a permit for..... | \$2.00 |
| Replacement tag..... | \$5.00 |

- 1 a. Application for a pet registration must be made
2 within thirty (30) days of acquiring a dog or
3 cat over the age of six (6) months, or within
4 thirty (30) days of the date in which a puppy
5 or kitten attains the age of six (6) months.
- 6 b. This requirement will not apply to non-residents
7 keeping an animal within the city for not more
8 than thirty (30) days.
- 9 (2) Kennel/Cattery Permit:
- 10 4-15 dogs.....\$50.00
11 4-15 cats.....\$50.00
12 16-25 dogs.....\$75.00
13 16-25 cats.....\$75.00
14 26 or more dogs.....\$100.00
15 26 or more cats.....\$100.00
- 16 a. Permit will be issued after inspection approved
17 by Animal Control Shelter and/or Board of Health
18 and verification of same submitted to Controller's
19 Office.
- 20 (3) Grooming Shop Permit:
- 21 Fee.....\$50.00
- 22 a. Permit will be issued after inspection approved
23 by Animal Control Shelter and/or Board of Health
24 and verification of same submitted to Controller's
25 Office.
- 26 (4) Professional Breeder's Permit:
- 27 Fee.....\$100.00
28 Plus appropriate kennel/cattery
29 permit fee
- 30 a. A breeder's permit shall be issued provided all
31 requirements of this ordinance are met.
- 32 (5) Domestic Household Breeder's Permit:
- Fee.....\$75.00
- a. A breeder's permit shall be issued provided all
 requirements of this ordinance are met.
- (6) Pet Shop Permit:
- Fee.....\$100.00
- a. Permit will be issued after inspection approved
 by Animal Control Shelter and/or Board of Health
 and verification of same submitted to Controller's
 Office.
- (7) Circus and Commercial Animal Exhibit Permits:
- Fee.....\$100.00
- a. Permit shall be valid only so long as the
 circus/commercial animal exhibit is in City
 for display, activity, etc., and must have a
 specific beginning and ending date, not to
 exceed ten (10) days.
- b. Events lasting longer than ten (10) days must apply
 for second permit.

1 c. Permits rendered void are not re-useable for
2 separate engagements.

3 (8) Omnibus Permit:

4 Fee.....\$150.00
5 Plus appropriate kennel/cattery
6 permit fee

- 7 a. This permit shall allow the holder to operate a
8 kennel or cattery, grooming shop, pet shop,
9 and to be a Professional Breeder.
- 7 b. The permit holder does not need to obtain
8 individual permits in the aforementioned areas,
9 but all requirements for each of the aforementioned
permits shall be met before the Omnibus Permit
may be granted.

10 Section 6-20 APPEAL: DENIAL OR REVOCATION OF PERMIT

- 11 (1) Any person who is denied a permit or whose permit is
12 revoked may appeal the denial or revocation to the
13 Animal Control Commission within sixty (60) days of
the date of the denial or revocation of the permit.
- 14 (2) All requests for appeals must be in writing and
15 addressed to the Animal Control Commission; whereupon,
the Commission shall set the appeal for hearing within
16 forty-five (45) days of the receipt of the written
17 request.

18 ARTICLE VII

19 PENALTIES/VIOLATIONS

20 Section 6-21 PENALTIES/VIOLATIONS

- 21 (1) Violators of this ordinance in two specific areas,
22 those provisions having to do with acquisition of pet
23 registrations, and those provisions regulating animals
running at large shall be fined as follows:

24 First Offense:.....\$15.00
25 Second Offense:.....\$30.00
26 Third Offense:.....\$60.00

- 27 (2) In the above two categories of violation, each offense
28 shall be considered a separate offense, and subject
29 to fine as such.
- 30 (3) For all other violations of this ordinance, and its
31 provisions, unless otherwise specified, fines shall be
32 not less than Fifty Dollars (\$50) nor more than
One Thousand Dollars (\$1,000).
- (4) In the event that an animal is retained at the Shelter
because its owner has been in violation of this ordinance,
the person redeeming the animal by paying the
fine shall also be subject to paying for medical bills
incurred for routine shots for animals at the Animal
Control Shelter.
- (5) Violators, upon conviction, may be given the opportunity
to work at the Animal Control Shelter and/or

1 participate in a humane education program, if so
2 recommended by the court.

- 3 (6) Each twenty-four (24) hours that a violation occurs
4 will be considered a separate offense and can be
5 cited as such.
- 6 (7) Violations of any provision of this ordinance may
7 result in immediate impoundment of animal(s).
- 8 (8) Violation of any provision of this ordinance may
9 result in revocation of any permits.

10 ARTICLE VIII

11 IMPOUNDMENT/REDEMPTION

12 Section 6-22 IMPOUNDMENT

- 13 (1) Animals found in cruel, abusive, or neglectful
14 situations as defined in this ordinance may be
15 promptly impounded if no immediate contact with a
16 responsible person can be made; provided, however,
17 that the Animal Control Officer shall leave written
18 notice saying the location of the animal and the
19 reason for impoundment.
- 20 (2) Animals so removed will be impounded and held at the
21 Animal Control Shelter or designated facility until
22 such time violator is in compliance with this
23 ordinance; provided, however, that in no event shall
24 this period exceed ten (10) days, at which time the
25 animal shall become the property of the Animal Control
26 Shelter, or for the Animal Control Officer to have
27 ample time to prepare a court case if prosecution is
28 warranted.
- 29 (3) Animals waiting disposition by the courts shall remain
30 in the custody of the Animal Control Shelter until
31 such disposition is made or placed in a foster home
32 until legal arrangements have been completed.
- 33 (4) Animals so removed may be transported to a licensed
34 veterinarian for examination and/or treatment. If,
35 in the opinion of said veterinarian, the animal must
36 be destroyed, euthanasia will be performed immediately.
37 Costs of treatment, euthanasia, and/or care shall be
38 the responsibility of the owner/agent.

39 Section 6-23 REDEMPTION

- 40 (1) A person may reclaim an animal in the custody of the
41 Animal Control Shelter upon providing the following:
42
43 a. Proof of ownership,
44
45 b. Payment of redemption fee and any other
46 service/medical fees,
47
48 as approved by the Animal Control Commission.
- 49 (2) Stray or at large animals will be held three (3)
50 working days at the Animal Control Shelter, pursuant
51 to Section 6-3(4).
52

- 1 (3) Unclaimed animals become the property of the Animal
2 Control Shelter and may be placed for adoption or
3 humanely euthanized, pursuant to Section 6-3(4).

4 ARTICLE IX

5 MONIES

6 Section 6-24 MONIES

- 7 (1) Monies - All monies generated or collected by virtue
8 of the provisions of this ordinance are to be set
9 aside and placed in the Animal Control Commission
Fund and subject to appropriation each year by the
Common Council of the City of Fort Wayne for the
activities of the Humane Shelter.

10 Section 6-25 ORDINANCE SUPPLEMENTAL

- 11 (1) The provisions of this Ordinance supplement all laws
12 of the State of Indiana and all Allen County Ordinances
covering the same subject matter.

13 Section 6-26 CONFLICTING ORDINANCES

- 14 (1) All other ordinances of the City of Fort Wayne that
15 are in conflict with this ordinance are hereby
repealed to the extent of such conflict.

16 Section 6-27 SEVERABILITY

- 17 (1) If any part of this ordinance shall be held invalid,
18 such part shall be deemed severable and the invalidity
thereof shall not affect the remaining parts of this
ordinance.

19 Section 6-28 EFFECTIVE DATES OF ORDINANCE

- 20 (1) Except for the requirement for applications for
21 permits required to be made by this ordinance, which
22 applications for permits shall not be required to be
made until February 1, 1982, this ordinance shall
23 be in full force and effect from and after its
passage, approval by the Mayor, and legal publication
or legal posting thereof.

24
25
26 _____
Councilwoman

27 APPROVED AS TO FORM AND LEGALITY:

28 _____
29 John H. Logan, Attorney for the
Common Council of the City of
30 Fort Wayne, Indiana
31
32

out on 9/8/81
BILL NO. G-81-08-16 as amended 8/31/81

GENERAL ORDINANCE NO. G-

AN ORDINANCE dealing with animal control, care and disposition, creating an animal control commission, the rigid enforcement of laws dealing with animals and repealing all ordinances in conflict herewith

General Purpose

It is the purpose of this ordinance to establish in the City of Fort Wayne, Indiana, provisions for control of animals and for their proper care and disposition, to rigidly enforce all laws dealing with animals, and to set up an animal control commission and executive director thereof to supervise the operation and control of animals.

of the Animal Control Shelter

This ordinance repeals Section 6-1 to and including Section 6-29 of the Code of the City of Fort Wayne, Indiana, of 1974, and the following is substituted therefor:

ARTICLE I

DEFINITIONS

Section 6-1

ALTERED ANIMAL: Any animal that has been operated on to prevent it from procreating.

ANIMAL: Any living vertebrate, domestic or wild, except a human being.

ANIMAL CONTROL COMMISSION: Animal Control Commission shall be the governing board.

ANIMAL CONTROL SHELTER: The municipally owned facility established for the purpose of animal control, care and disposition, as set forth in this ordinance, operated by and under the direct supervision of the Fort Wayne Animal Control Commission and the Executive Director of the Shelter.

AUCTION: Any place or facility where animals are regularly bought or sold or traded, except for those facilities otherwise defined in this ordinance or State law.

BREEDER: Any person who for compensation causes the breeding or selling of any dog or cat or makes any dog or cat available for breeding purposes.

CATTERY: Any person, group of persons, partnership or corporation owning or harboring more than eight (8) cats.

CIRCUS: A commercial variety show featuring animal acts for public entertainment. including ^

COMMERCIAL ANIMAL EXHIBIT: Display or show of wild or domestic animals in a shopping center, retail establishment or adjacent lot, for the purpose of promoting retail sales.

or elsewhere

1 GROOMING SHOP: A commercial establishment where animals are
2 bathed, clipped, plucked or otherwise groomed.

3 GUIDE DOGS: Dogs trained to assist the handicapped.

4 ANIMAL WELFARE ORGANIZATION:

5 HUMANE SOCIETY: Any not for profit organization for the
6 prevention of cruelty to animals incorporated under the laws
7 of the State of Indiana.

8 KENNEL: Any person, group of persons, partnership or corporation
9 engaged in the keeping of more than three (3) dogs, or the
10 business of boarding, or training for a fee, or grooming.

11 OWNER: A person having the right of property or custody of a
12 dog or cat or who keeps or harbors a dog or cat or knowingly
13 permits a dog or cat to remain on or about any premises
14 occupied by that person.

15 PERSON: A person, for purposes of this ordinance, shall be
16 defined as an individual, firm, corporation, or commercial
17 establishment.

18 PET: Any animal owned or harbored by any person, group of
19 persons, partnership or corporation, except guide dogs, or
20 Police or canine governmental dogs.

21 PET SHOP: Any person, group of persons, partnership, or corpora-
22 tion whether operated separately or in connection with another
23 business enterprise, except for a licensed cattery or kennel,
24 that buys, sells, or offers for sale any species of animal.

25 PUBLIC NUISANCE: Any animal which:

- 26 1. Interferes with passerbys or passing vehicles,
- 27 2. Attacks other animals or person,
- 28 3. Trespasses on school grounds,
- 29 4. Is repeatedly at large or unrestrained,
- 30 5. Damages private or public property, or
- 31 6. Barks, whines or howls or makes other sounds common
32 to its species in excess.

33 RABIES VACCINATION: The injection, by a licensed veterinarian,
34 of a dog, cat, or other animal with a rabies vaccine licensed
35 by the U.S.D.A. and approved by the Indiana State Board of
36 Animal Health.

37 RESTRAINT: ~~Any dog or cat shall be considered under restraint if~~
38 ~~it is within the leash property limits of the responsible party~~
39 ~~or is secured by a leash or lead, or~~

40 ~~under the control of the animal's owner or attending party and obedient to that person's control, or within the real property limits of its owner.~~
41 RIDING SCHOOL OR STABLE: Any place which has available for hire,
42 boarding or riding instruction, any horse, pony, donkey, mule
43 or burro.

44 RODEO: A performance featuring bronc riding, steer wrestling,
45 calf roping, greased pig contest or bull riding.

46 VETERINARY HOSPITAL: Any establishment maintained and operated
47 by a licensed veterinarian for the purpose of hospitalization
48 of animals or the diagnosis and treatment of diseases and
49 injuries of animals.

50 VICIOUS ANIMAL: Any animal that has, without provocation,
51 attacked a human being.

1 WILD ANIMAL: Any living vertebrate animal normally found in
2 the wild state.

3 ZOOLOGICAL PARK: Any facility, other than a pet shop, display-
4 ing or exhibiting one or more species of non-domestic animals,
5 operated by a person, partnership, corporation or government
6 agency.

7 ARTICLE II

8 FORT WAYNE ANIMAL CONTROL COMMISSION

9 Section 6-2 FORMATION

10 (1) ANIMAL CONTROL COMMISSION: The Animal Control Shelter
11 shall be operated by a voting five (5) member board,
12 so named the Fort Wayne Animal Control Commission.
13 The Commission members shall be appointed to serve a
three (3) year term, terms to be staggered. No limit
shall be set on numbers of terms a Commissioner can
serve, all members to serve without compensation.

a. Three (3) of the Commission members shall be
appointed by the Mayor. The two (2) remaining
members of the Commission shall be appointed by
the City Council.

b. At the outset, the Mayor shall appoint one
person to serve one year, one person to
serve two years, and one person to serve three
years. The City Council shall appoint one
person to serve two years, and one person to
serve three years.

c. This selection shall not be based on political
affiliations, but on interest in animal care and
control and knowledge of same.

(2) Organizational meeting:

a. The 1st meeting of the Commission shall be
convened by the Executive Director of the Shelter.

b. The Commission shall elect a Chairman, Vice
Chairman, and a Secretary from among its members.

c. The Secretary shall be charged with the duty of
keeping and maintaining the minutes and other
records of the Animal Control Commission.

(3) Meetings, Rules and Regulations: The Commission shall
meet at least once each month, or upon special call
by the Chairman, or upon the written request to the
Chairman by any three (3) members. It shall adopt
rules and regulations as may be necessary or appro-
priate in its judgment to carry out the provisions
of the ordinances and laws under which it exists
and performs its functions.

(4) Quorum: Three (3) members of the Animal Control
Commission shall constitute a quorum to do business.

(5) Vacancies: In the case of a vacancy in office due to
death, resignation, incapacity, removal or otherwise,
the appointment to fill the vacancy so occurring
shall be made by the original appointing body for the
unexpired term only and shall be subject to the
provisions stated in Section 6-2 (1).

32 Section 6-3 DUTIES AND POWERS OF ANIMAL CONTROL COMMISSION

(1) To cause to be enforced all city ordinances and/or

City Council, for approval.

- taining to animals within the City. To cause to be impounded all animals found in places designated as adverse to their health and safety, ~~at the Shelter or suitable place(s) designated by the Shelter.~~ Impounded animals are to be retained in the custody of the Shelter or Shelter's agent, until such time as the court shall decide the disposition of the animal or the Shelter can make the arrangements necessary for the animal's health and safety with its owner.

1 Attorney or a duly designated Associate, as to form
2 and legality, the approval of the Mayor, and the
ratification by City Council.

- 3 (8) To employ all personnel necessary for the efficient
4 performance of the duties required of the Shelter.
- 5 (9) To prepare and submit to the City Council through the
6 City Controller, an annual budget, for its financing
7 of its operations and performance of its duties.
- 8 (10) To submit to the Mayor, and to the City Council, no
9 later than January 30th of each year, a report of its
10 activities and operations for the prior year.
- 11 (11) To establish reasonable fees to be charged to persons
12 reclaiming and adopting animals, and to collect such
13 fees, such fees to be adopted only after Commission
14 approval and submission to the Mayor and City Council,
15 for approval and adoption.
- 16 → (12) To provide that all dogs and/or cats released for
17 adoption, shall be spayed or neutered and provisions
18 made for a program to monitor said spay/neuter plan.

19 ARTICLE III

20 ANIMAL CARE REGULATIONS

21 Section 6-4 ANIMAL CARE REGULATIONS

- 22 (1) No person shall confine or allow their animal to remain
23 outside during weather conditions which would consti-
24 tute a health hazard to the animal without providing
25 appropriate shelter.
- 26 (2) No animal shall be hitched, tied or fastened by any
27 rope, chain or cord that is directly attached to
28 the animal's neck or choke collar. Animals that
29 must be tied, hitched or fastened to restrain them
30 must wear a properly fitted collar or harness. The
31 tying device shall be attached to the animal's
32 collar or harness.
- (3) All animals shall have fresh, potable drinking water
and be provided with food that is nutritional for
that species.
- (4) Cats and dogs over the age of six (6) months must be
vaccinated by a licensed veterinarian against rabies,
and must wear a tag at all times attached to a
properly fitted collar or harness.
- (5) All animals shall be provided with necessary medical
care in addition to the required rabies vaccination.
- (6) Persons responsible for an animal shall immediately
remove the animal's excrement from public lands or
the property of another, excepting a blind person
working with a guide dog.
- (7) All animals, where kept inside, or in a pen, tied,
fastened, hitched, leashed, or enclosed in a fence
shall be kept in a sanitary manner. The persons

responsible for the animal(s) shall regularly and as often as necessary to prevent odor or health and sanitation problems, maintain all animal areas or areas of animal contact.

- (8) No wild or exotic animal shall be kept within the City without the necessary State and/or Federal permits.
- (9) All animals shall be properly restrained as defined in this ordinance.
- (10) No person owning, harboring or responsible for an animal shall beat, cruelly treat, neglect, torment, overload, overwork, or otherwise abuse any animal.
- (11) No person shall permit or conduct any dog fight, cockfight, or other combat between animals or between animals and humans.
- (12) No person shall set any type of poisonous substance or bait within the city limits that is deemed harmful to any domestic animal; provided, however, that controlled programs under the direction of the City Board of Health or a licensed extermination service may be excluded.
- (13) ^{operating a motor vehicle} Any person who causes injury or death to an animal ~~while operating a motor vehicle~~ shall stop at once, assess the extent of injury, and immediately notify the owner or Animal Control Shelter of the location of the animal.
- (14) No animal shall be left unattended in a vehicle when the conditions in that vehicle would constitute a health hazard to the animal.
- (15) No animal may be induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner which will cause, or is likely to cause physical injury or suffering.
- (16) Every female dog or cat in heat shall be confined in a secure building or enclosure so as to prevent conception except during instances of planned breeding.
- (17) No person shall abandon or cause to be abandoned any animal anywhere within the City limits in any public or private place, way or building.
- (18) No person shall own or harbor a public nuisance as defined in this ordinance.
- (19) No person shall own or harbor a vicious animal as defined in this ordinance.
- (20) No person shall sell, offer for sale, trade, barter, or give away any live animal, fish, bird, or reptile as a prize for, or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter any business establishment or enter into any business agreement whereby the offer was made for the purpose of attracting trade, for business other than establishments selling animals as their primary business.

- (21) No person shall sell, offer for sale, trade, or barter any animal whose appearance has been chemically altered by dyes or staining, ~~or otherwise affixing a change in the cosmetic appearance of an animal.~~
- (22) No person shall sell, offer for sale, barter, or give away baby rabbits, chicks, goslings, ducklings or other fowl as pets or novelties. This section shall not be construed to prohibit the sale or display of baby rabbits, chicks, goslings, ducklings or other fowl in proper brooder facilities by hatcheries or stores engaged in the business of selling them to be raised for commercial purposes.
- (23) No person shall keep or maintain any coop in which chickens, ducks, turkeys or other domestic fowl and poultry are kept within a distance of less than fifty (50) feet from any dwelling.
- (24) No person shall conduct or allow the following events within the City Limits:
- a. Rodeos
 - b. Donkey Basketball Games
 - c. Greased Pig Contests
- (25) No person other than a duly authorized agent of the Animal Control Shelter may destroy any domestic animal within the City limits; provided, however, this provision shall not apply to the following:
- a. a licensed veterinarian
 - b. those persons acting in immediate self protection
 - c. City Police Officers or Firemen acting to prevent undue suffering.
- (26) No person shall permit the continuous barking, whining, or howling of a dog. When called, the Humane Shelter will investigate promptly and maintain records on the violation in such a manner that will permit expeditious follow-up and enforcement. After the second offense, the offending party shall be subject to Article VII, Section 6-20.
- (27) No person shall interfere with an Animal Control Officer in the pursuit of his/her duties as an Officer.
- (28) Violations of the provisions of this Section may result in impoundment of the animal(s) in accordance with Section 6-21.
- (29) Any violation of the above paragraphs 1 to 26 will result in a fine in accordance with Article VII, Penalties/Violations.

Section 6-5 LOST OR STRAY ANIMALS

- (1) Persons finding a stray animal are to notify the Animal Control Shelter, within 48 hours. At the discretion of the Shelter, the animal may be kept by the finder and a found report left with the Shelter, to enable the finder an opportunity to return the animal to its rightful owner. Upon demand by the

Animal Control Shelter, any found animal will be surrendered to the Shelter and held for three (3) working days, before a disposition is made. Persons finding an animal are obligated to comply with all rules and regulations of this ordinance pertaining to humane care and treatment of animals, while said animal is in their custody awaiting return to its actual owner.

ARTICLE IV

BITING ANIMALS

Section 6-6 BITING ANIMALS

- (1) The person responsible for any animal which has bitten a person or another animal must report the incident to the Animal Control Shelter. Upon receiving the report of a bite, the Shelter will quarantine the animal for ten (10) days with the place of confinement to be in the discretion of the Animal Control Shelter. During the quarantine period, the animal is to be securely confined and kept from contact with any other animal or person.
- (2) No person other than an Animal Control Officer or veterinarian shall kill or cause to be killed any animal suspected of being rabid except in cases of immediate self protection. If that occurs, the person will retain the body and immediately notify the Animal Control Shelter.

ARTICLE V

REGISTRATION AND PERMITS

Section 6-7 PET OWNER'S PERMIT REGISTRATION

- (1) Any person owning, keeping, harboring or having custody of any dog or cat over the age of six (6) months must obtain a pet ^{registration for such animal} permit/s/permit; provided, however, that no pet ^{registration} permit shall be required of any Humane Society, municipal animal control facility or governmental agency, or guide dog. Animals belonging to those agencies or persons will be issued complimentary ~~tags~~ registration tags.
- (2) A durable tag stamped with ^{registration} number and year of issuance will be provided to pet ^{registration} holders for each ^{registration} permit granted. Dogs and cats must wear their tags at all times on their collars, except when involved in any organized show, obedience demonstration, training situation or under the care of a licensed veterinarian.

Section 6-8 KENNEL/CATTERY PERMITS

- (1) Any person owning or harboring more than three (3) dogs over the age of six (6) months must apply for a kennel/cattery permit.
- (2) Any person owning or harboring more than ^{four (4)} ~~eight (8)~~ cats over the age of six (6) months must apply for a kennel/cattery permit.

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- (3) Permit holder has right to request that any dog or cat accepted be vaccinated against common diseases and proof of such vaccination be furnished to the kennel/cattery operator. Any dog or cat accepted must be in compliance with the rabies vaccination requirements of this ordinance.
- (4) All kennel/cattery operators shall take care to house animals in a sanitary manner. Appropriate care, medical services and housing shall be given according to individual breeds.
- (5) In the event that an animal dies while being boarded or while in training, the body shall be preserved until owner's return or taken to a licensed veterinarian for an autopsy.

Section 6-9 - BREEDER'S PERMIT

PROFESSIONAL BREEDER'S PERMIT (- NEW)

1. Any person who for pay causes the breeding of a male or female dog or cat, or makes a dog or cat available for breeding purposes, and who offers for sale, or sells any dog or cat, and who obtains a kennel or cattery permit, shall pay an annual permit fee of \$100.00 in order to obtain a Professional Breeder's permit and number.
2. Such person shall not be restricted in the number of litters of dogs or cats he may breed or offer for sale.
3. Such person shall be required to furnish the Animal Control Shelter with information on the birth of each litter of dogs or cats as may be required by the Shelter to register that litter of dogs or cats with the Shelter, and to be assigned a litter number for each litter.
4. The Professional Breeder shall further be required to register with the Animal Control Shelter the name, address, and telephone number of each buyer or new owner of any dog or cat sold or transferred within five days after the date of such sale or transfer.
5. The Professional Breeder shall transmit to the new owner or buyer the litter number of the animal acquired, and the Professional Breeder's permit number in order that the new owner have assurance and proof that the animal has been legally bred.
- (6) (X) Any person who advertises the availability of any animal(s) must also advertise the valid permit number.
- (7) (X) All animals offered for sale must be immunized against common diseases.
- (8) (X) No puppy or kitten under the age of eight (8) weeks may be sold, offered for sale or given away (exception being litters taken to the Animal Control Shelter).
- (9) (X) Permit holder will furnish warranty of health for a period of not less than one (1) week with recommendation to have examined by licensed veterinarian for each animal sold.

SECTION 6-10 DOMESTIC HOUSEHOLD BREEDER'S PERMIT

(NEW)

- (1) Any person who for pay causes the breeding of a male or female dog or cat, or makes a dog or cat available for breeding purposes, and who offers for sale or sells any dog or cat, and who does not qualify for a kennel or cattery permit, shall not be permitted to allow the whelping of more than one litter in his or any other domestic household in a twelve-month period.
- (2) Such persons must obtain a Domestic Household Breeder's permit and number by paying an annual fee of \$25.
- (3) Such persons shall be required to furnish the Animal Control Shelter with such information on the birth of the one litter of dogs or cats per year as may be required by the Animal Control Shelter to register that litter of dogs or cats with the Shelter, and to be assigned a litter number.
- (4) The Domestic Household Breeder shall be further required to register with the Animal Control Shelter the name, address, and telephone number of each buyer or new owner of any dog or cat transferred within five days after the sale or transfer.
- (5) The Domestic Household Breeder shall transmit to the new owner or buyer the litter number of the animal acquired, and the Domestic Household Breeder permit number in order that the new owner have assurance and proof that the animal has been legally bred.

- (6) Any person who advertises the availability of any animal(s) must also advertise the valid permit number.
- (7) All animals offered for sale must be immunized against common diseases.
- (8) No puppy or kitten under the age of eight (8) weeks may be sold, offered for sale or given away (exception being litters taken to the Animal Control Shelter).
- (9) Permit holder will furnish warranty of health for a period of not less than one (1) week with recommendation to have examined by licensed veterinarian for each animal sold.

Section 6-10 VETERINARY HOSPITALS/CLINICS

- (1) All animals shall be housed humanely and in a sanitary manner.
- (2) Veterinarians shall keep records of each animal accepted for treatment, diagnosis, or routine health care.
- (3) Veterinarians who engage in boarding, grooming or other business in addition to the treatment and/or medical care of animals shall obtain a permit as herein provided.

Section 6-12 GROOMING SHOP PERMIT

- (1) Any person who has a grooming shop as defined in this ordinance shall obtain a grooming shop permit.
- (2) Permit holder has the right to request that any dog

or cat accepted for grooming be vaccinated against common diseases, and require proof of such vaccinations be furnished to the shop operator.

Section 6-12¹³ PET SHOP PERMIT

- (1) Any person operating a pet shop as defined in this ordinance shall obtain a pet shop permit.
- (2) The permit holder shall furnish the purchaser a written statement at the time of sale containing the following:
 - a. Date of sale,
 - b. Name, address and telephone number of purchaser and permit holder,
 - c. Permit number of permit holder,
 - d. Breed, description, approximate age and sex of dog, cat or other animal sold. (Small mammals, parrot-type birds and fish not included.)
 - e. Prophylactic medication and immunization and dates administered,
 - f. Internal parasite medication(s) and date(s) administered,
 - g. A guarantee of good health for a period of not less than one (1) week with recommendation to have the animal examined by a licensed veterinarian.

The permit holder shall retain a copy of the written statement for a period of twelve (12) months from the date of sale.

- (3) The Animal Control Officer or Health Department may restrict the sale of any animal suspected of being diseased or otherwise unfit for sale. An examination by a licensed veterinarian may be requested at the expense of the enforcing agency.
 - a. The permit holder shall reimburse the enforcing agency's veterinary fees if the inspection by the veterinarian concludes the animal to be unfit for sale at the time of inspection.
 - b. The inspection is to be made by veterinarian within twenty-four (24) hours of the enforcing agency's determination that the said animal is not fit for sale.
- (4) All pet shops defined herein and stores selling animals, birds, reptiles and fish as pets shall take care to house animals in a sanitary manner, appropriate medical services, care, and housing shall be given according to individual species needs.

Section 6-13¹⁴ CIRCUSES AND COMMERCIAL ANIMAL EXHIBITS

- (1) Any person who is responsible for a Circus or a Commercial Animal Exhibit as defined by this ordinance must obtain a Circus or Commercial Animal Exhibit permit.

Section 6-14¹⁵ ZOOLOGICAL PARKS

- (1) Zoological Parks shall be issued complimentary permits at no fee.

16
1 Section 6-15 ANIMAL CONTROL SHELTER/HUMANE SOCIETY

- 2 (1) No permit shall be required of the animal control
3 shelter or Humane Society; however, all other
4 provisions of this ordinance shall apply.

5 ARTICLE VI

6 PERMIT APPLICATIONS/INSPECTIONS/FEEs

7 Section 6-16 APPLICATION/TERM

- 8 (1) Application for permits may be made at the City Con-
9 troller's Office or designated facility, or by mail,
10 and shall include name, address of applicant, type of
11 permit applied for, number and description of
12 animal(s), proof of rabies vaccination, information
13 regarding sterilization, and appropriate fee.

14 a. All applicants must be in compliance with
15 zoning and all other applicable state or
16 local laws.

17 b. Those permits that require prior inspection
18 will not be issued until proof of such
19 inspection is made available to Controller's
20 Office by the inspecting agency.

- 21 (2) Permits are to be issued for a term of one (1) year,
22 commencing with the first day of February and
23 expiring at midnight on the last day of the licensing
24 period. Application for permit may be made from
25 February 1 through April 30 without penalty. After
26 April 30, all applicants will be required to pay an
27 additional Five Dollars (\$5.00) for each permit re-
28 quired; provided, however, circuses, performing
29 animal acts, or exhibitions shall be exempt from the
30 penalty.

- 31 (3) Upon issuance, City Controller's Office shall issue a
32 permit in written form which includes number of
33 permit, type of permit, and all pertinent information.
34 In addition, the Controller's Office shall issue a
35 durable tag stamped with permit number and year of
36 issuance for each pertinent permit.

- 37 (4) The Controller's Office shall maintain records of the
38 identifying permit number and make such records
39 available in written form to the Animal Control
40 Shelter.

- 41 (5) All fees shall be paid at time of application, and
42 prior to the issuance of the permit.

43 Section 6-17 INSPECTION

- 44 (1) Whenever it is necessary to make an inspection to
45 enforce any of the provisions of, or perform any duty
46 imposed by this ordinance, or when there is reasonable
47 cause to believe that there exists in any building or upon
48 any premises, any violation of the provisions of this
49 ordinance, or state or federal laws, an Animal Control
50 Officer, Board of Health Officer or their authorized
51 agent, is authorized to enter such property at any
52

reasonable time and to inspect the same and to perform any duty imposed by this ordinance; provided that:

- a. If the property is occupied, the officer shall first present proper credentials to the occupant and request entry explaining the reasons therefor; and
- b. If the property is unoccupied, the officer shall make a reasonable effort to locate the owner or other persons having control of the property and request entry explaining the reasons therefor.

(2) In the event that the Animal Control Officer, Board of Health Officer, or their authorized agent, has reasonable cause to believe that the keeping or maintaining of any animal is so hazardous, unsafe or dangerous as to require immediate inspection to safeguard the animal, or the public health or safety, the officer is authorized to immediately enter the property or premises and inspect the property and the officer may use any reasonable means to effect such entry and to make such inspection. If the property is occupied, the officer shall first present proper credentials and demand entry, explaining the reasons therefor.

(3) If entry is refused or cannot be obtained because the owner or other person having charge or control of the property cannot be found after a reasonable, diligent search, the officer shall have recourse to every remedy provided by law to secure lawful entry and inspect the property.

Section 6-18 FEES

In addition to all other fees required by law to be paid, the following fees shall be paid:

(1) ~~Pet Permit~~ Registration:

Each	Altered dog or cat.....	\$2.00
Each	Unaltered dog or cat.....	\$5.00
Each dog or cat owned by	owner over age of 65.....	\$2.00
	A statement from a veterinarian saying that neutering shall constitute a threat to the health of that animal shall be issued a permit for.....	\$2.00
	Replacement tags.....	\$5.00

a. Application for a pet permit must be made within thirty (30) days of acquiring a dog or cat over the age of six (6) months, or within thirty (30) days of the date in which a puppy or kitten attains the age of six (6) months.

b. This requirement will not apply to non-residents keeping an animal within the city for not more than thirty (30) days.

(2) Kennel/Cattery Permit:

4-15 dogs.....	\$50.00
4 0-15 cats.....	\$50.00
16-25 dogs.....	\$75.00
16-25 cats.....	\$75.00
26 or more dogs.....	\$100.00
26 or more cats.....	\$100.00

- a. Permit will be issued after inspection approved by Animal Control Shelter and/or Board of Health and verification of same submitted to Controller's Office.

(3) Grooming Shop Permit:
Fee.....\$ 50.00

- a. Permit will be issued after inspection approved by Animal Control Shelter and/or Board of Health and verification of same submitted to Controller's Office.

(4) Professional Breeder's Permit:
Fee: \$100, plus appropriate kennel/cattery permit fee.

- a. A breeder's permit shall be issued provided all requirements of this ordinance are met.

(5) Domestic Household Breeder's Permit:

Fee: \$25

- a. A breeder's permit shall be issued provided all requirements of this ordinance are met.

(6) ~~(5)~~ Pet Shop Permit:
Fee.....\$100.00

- a. Permit will be issued after inspection approved by Animal Control Shelter and/or Board of Health and verification of same submitted to Controller's Office.

(7) ~~(6)~~ Circus and Commercial Animal Exhibit Permits:
Fee.....\$100.00

- a. Permit shall be valid only so long as the circus/commercial animal exhibit is in City for display, activity, etc., and must have a specific beginning and ending date, not to exceed ten (10) days.
- b. Events lasting longer than ten (10) days must apply for second permit.
- c. Permits rendered void are not re-usable for separate engagements.

(8) Omnibus Permit:
Fee \$150, plus appropriate kennel/cattery permit fee

- a. This permit shall allow the holder to operate a kennel or cattery, grooming shop, pet shop, and to be a Professional Breeder.
- b. The permit holder does not need to obtain individual permits in the aforementioned areas, but all requirements for each of the aforementioned permits shall be met before the Omnibus Permit may be granted.

Section 6-19²⁰ APPEAL: DENIAL OR REVOCATION OF PERMIT

- (1) Any person who is denied a permit or whose permit is revoked may appeal the denial or revocation to the Animal Control Commission within sixty (60) days of the date of the denial or revocation of the permit.
- (2) All requests for appeals must be in writing and addressed to the Animal Control Commission; whereupon the Commission shall set the appeal for hearing within forty-five (45) days of the receipt of the written request.

ARTICLE VII

PENALTIES/VIOLATIONS

Section 6-20²¹ PENALTIES/VIOLATIONS

- (1) Violators of this ordinance in two specific areas, those provisions having to do with acquisition of pet registrations, and those provisions regulating animals running at large shall be fined as follows;

First Offense: \$15.00

Second Offense: \$30.00

Third Offense: \$60.00

- (2) In the above two categories of violation, each offense shall be considered a separate offense, and subject to fine as such.
- (3) For all other violations of this ordinance, and its provisions, unless otherwise specified, fines shall be not less than \$50 nor more than \$1000.
- (4) In the event that an animal is retained at the Shelter because its owner has been in violation of this ordinance, the person redeeming the animal by paying the fine shall also be subject to paying for medical bills incurred for routine shots for animals the Animal Control Shelter.

- (5) (2) Violators, upon conviction, may be given the opportunity to work at the Animal Control Shelter and/or participate in a humane education program, if so recommended by the court.

- (6) (3) Each twenty-four (24) hours that a violation occurs will be considered a separate offense and can be cited as such.

- (7) (4) Violations of any provision of this ordinance may result in immediate impoundment of animal(s).

- (8) (5) Violation of any provision of this ordinance may result in revocation of any permits.

ARTICLE VIII

IMPOUNDMENT/REDEMPTION

Section 6-21 IMPOUNDMENT

- (1) Animals found in cruel, abusive, or neglectful situations as defined in this ordinance may be promptly impounded if no immediate contact with a responsible person can be made; provided, however, that the Animal Control Officer shall leave written notice saying the location of the animal and the reason for impoundment.
- (2) Animals so removed will be impounded and held at the Animal Control Shelter or designated facility until such time violator is in compliance with this ordinance; provided, however, that in no event shall this period exceed ten (10) days, at which time the animal shall become the property of the Animal Control Shelter, or for the Animal Control Officer to have, ample time to prepare a court case if prosecution is warranted.
- (3) Animals waiting disposition by the courts shall remain in the custody of the Animal Control Shelter until such disposition is made or placed in a foster home until legal arrangements have been completed.
- (4) Animals so removed may be transported to a licensed veterinarian for examination and/or treatment. If, in the opinion of said veterinarian, the animal must be destroyed, euthanasia will be performed immediately. Costs of treatment, euthanasia, and/or care shall be the responsibility of the owner/agent.

Section 6-22 REDEMPTION

- (1) A person may reclaim an animal in the custody of the Animal Control Shelter upon providing the following:
 - a. Proof of ownership,
 - b. Payment of redemption fee and any other service/medical fees,as approved by the Animal Control Commission.
- (2) Stray or at large animals will be held three (3) working days at the Animal Control Shelter, pursuant to Section 6-3,4.
- (3) Unclaimed animals become the property of the Animal Control Shelter and may be placed for adoption or humanely euthanized, pursuant to Section 6-3,4.

ARTICLE IX

MONIES

Section 6-23 MONIES

- (1) Monies - All monies generated or collected by virtue of the provisions of this ordinance are to be set aside and placed in the Animal Control Commission Fund and subject to appropriation each year by the Common Council of the City of Fort Wayne for the activities of the Humane Shelter.

Section 6-24 ORDINANCE SUPPLEMENTAL

- (1) The provisions of this Ordinance supplement all laws of the State of Indiana and all Allen County Ordinances covering the same subject matter.

Section 6-25 CONFLICTING ORDINANCES

- (1) All other ordinances of the City of Fort Wayne that are in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 6-26 SEVERABILITY

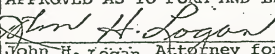
- (1) If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

Section 6-27 EFFECTIVE DATES OF ORDINANCE

- (1) Except for the requirement for applications for permits required to be made by this ordinance, which applications for permits shall not be required to be made until February 1, 1982, this ordinance shall be in full force and effect from and after its passage, approval be the Mayor, and legal publication or legal posting thereof.

Councilwoman

APPROVED AS TO FORM AND LEGALITY:



John H. Logan, Attorney for the
Common Council of the City of
Fort Wayne, Indiana

1 BILL NO. G-81-08-16

2 GENERAL ORDINANCE NO. G

3 AN ORDINANCE dealing with animal
4 control, care and disposition, creating an
5 animal control commission, the rigid enforcement
6 of laws dealing with animals and repealing all
7 ordinances in conflict herewith

8 General Purpose

9 It is the purpose of this ordinance to establish in
10 the City of Fort Wayne, Indiana, provisions for control of
11 animals and for their proper care and disposition, to rigidly
12 enforce all laws dealing with animals, and to set up an animal
13 control commission and executive director thereof to supervise
14 the operation and control of animals.

15 This ordinance repeals Section 6-1 to and including
16 Section 6-29 of the Code of the City of Fort Wayne, Indiana, of
17 1974, and the following is substituted therefor:

18 ARTICLE I

19 DEFINITIONS

20 Section 6-1

21 ALTERED ANIMAL: Any animal that has been operated on to prevent
22 it from procreating.

23 ANIMAL: Any living vertebrate, domestic or wild, except a
24 human being.

25 ANIMAL CONTROL COMMISSION: Animal Control Commission shall be
26 the governing board.

27 ANIMAL CONTROL SHELTER: The municipally owned facility
28 established for the purpose of animal control, care and
29 disposition, as set forth in this ordinance, operated by and
30 under the direct supervision of the Fort Wayne Animal Control
31 Commission and the Executive Director of the Shelter.

32 AUCTION: Any place or facility where animals are regularly
bought or sold or traded, except for those facilities otherwise
defined in this ordinance or State law.

BREEDER: Any person who for compensation causes the breeding
or selling of any dog or cat or makes any dog or cat available
for breeding purposes.

CATTERY: Any person, group of persons, partnership or corpora-
tion owning or harboring more than eight (8) cats.

CIRCUS: A commercial variety show featuring animal acts for
public entertainment.

COMMERCIAL ANIMAL EXHIBIT: Display or show of wild or domestic
animals in a shopping center, retail establishment or adjacent
lot, for the purpose of promoting retail sales.

1 GROOMING SHOP: A commercial establishment where animals are
2 bathed, clipped, plucked or otherwise groomed.

3 GUIDE DOGS: Dogs trained to assist the handicapped.

4 HUMANE SOCIETY: Any not for profit organization for the
5 prevention of cruelty to animals incorporated under the laws
6 of the State of Indiana.

7 KENNEL: Any person, group of persons, partnership or corporation
8 engaged in the keeping of more than three (3) dogs, or the
9 business of boarding, or training for a fee, or grooming.

10 OWNER: A person having the right of property or custody of a
11 dog or cat or who keeps or harbors a dog or cat or knowingly
12 permits a dog or cat to remain on or about any premises
13 occupied by that person.

14 PERSON: A person, for purposes of this ordinance, shall be
15 defined as an individual, firm, corporation, or commercial
16 establishment.

17 PET: Any animal owned or harbored by any person, group of
18 persons, partnership or corporation, except guide dogs, or
19 Police or canine governmental dogs.

20 PET SHOP: Any person, group of persons, partnership, or corpora-
21 tion whether operated separately or in connection with another
22 business enterprise, except for a licensed cattery or kennel,
23 that buys, sells, or offers for sale any species of animal.

24 PUBLIC NUISANCE: Any animal which:
25 1. Interferes with passerbys or passing vehicles,
26 2. Attacks other animals or person,
27 3. Trespasses on school grounds,
28 4. Is repeatedly at large or unrestrained,
29 5. Damages private or public property, or
30 6. Barks, whines or howls or makes other sounds common
31 to its species in excess.

32 RABIES VACCINATION: The injection, by a licensed veterinarian,
of a dog, cat, or other animal with a rabies vaccine licensed
by the U.S.D.A. and approved by the Indiana State Board of
Animal Health.

RESTRAINT: A dog or cat shall be considered under restraint if
it is within the real property limits of the responsible party
or secured by a leash or lead.

RIDING SCHOOL OR STABLE: Any place which has available for hire,
boarding or riding instruction, any horse, pony, donkey, mule
or burro.

RODEO: A performance featuring bronc riding, steer wrestling,
calf roping, greased pig contest or bull riding.

VETERINARY HOSPITAL: Any establishment maintained and operated
by a licensed veterinarian for the purpose of hospitalization
of animals or the diagnosis and treatment of diseases and
injuries of animals.

VICIOUS ANIMAL: Any animal that has, without provocation,
attacked a human being.

1 WILD ANIMAL: Any living vertebrate animal normally found in
2 the wild state.

3 ZOOLOGICAL PARK: Any facility, other than a pet shop, display-
4 ing or exhibiting one or more species of non-domestic animals,
operated by a person, partnership, corporation or government
agency.

5 ARTICLE II

6 FORT WAYNE ANIMAL CONTROL COMMISSION

7 Section 6-2 FORMATION

8 (1) ANIMAL CONTROL COMMISSION: The Animal Control Shelter
9 shall be operated by a voting five (5) member board,
so named the Fort Wayne Animal Control Commission.
10 The Commission members shall be appointed to serve a
three (3) year term, terms to be staggered. No limit
11 shall be set on numbers of terms a Commissioner can
serve, all members to serve without compensation.

12 a. Three (3) of the Commission members shall be
appointed by the Mayor. The two (2) remaining
13 members of the Commission shall be appointed by
the City Council.

14 b. This selection shall not be based on political
15 affiliations, but on interest in animal care and
control and knowledge of same.

16 (2) Organizational meeting:

17 a. The 1st meeting of the Commission shall be
18 convened by the Executive Director of the Shelter.

19 b. The Commission shall elect a Chairman, Vice
Chairman, and a Secretary from among its members.

20 c. The Secretary shall be charged with the duty of
21 keeping and maintaining the minutes and other
records of the Animal Control Commission.

22 (3) Meetings, Rules and Regulations: The Commission shall
23 meet at least once each month, or upon special call
by the Chairman, or upon the written request to the
24 Chairman by any three (3) members. It shall adopt
rules and regulations as may be necessary or appro-
25 priate in its judgment to carry out the provisions
of the ordinances and laws under which it exists
26 and performs its functions.

27 (4) Quorum: Three (3) members of the Animal Control
Commission shall constitute a quorum to do business.

28 (5) Vacancies: In the case of a vacancy in office due to
29 death, resignation, incapacity, removal or otherwise,
the appointment to fill the vacancy so occurring
30 shall be made by the original appointing body for the
unexpired term only and shall be subject to the
31 provisions stated in Section 6-2 (1).

32 Section 6-3 DUTIES AND POWERS OF ANIMAL CONTROL COMMISSION

(1) To cause to be enforced all city ordinances and/or

1 State laws regarding animal care and control.

- 2 (2) To maintain and operate the city's Animal Control
3 Shelter or shelters which have been designated for
4 the humane sheltering or protection and disposition
5 of animals coming into its custody.
- 6 (3) To purchase all necessary materials for the proper
7 and efficient performance of the services and work
8 required of the Shelter, consistent with the city's
9 duly established purchasing procedures.
- 10 (4) To cause to be picked up and transported to the
11 Animal Control Shelter all unwanted animals, all
12 animals illegally at large, and all sick, diseased,
13 injured, lost, strayed, stolen, or abandoned
14 animals. Those animals whose owners request may be
15 promptly euthanized at the Shelter. In addition,
16 any animal which appears to be ill and would pose a
17 health hazard to other animals; or any animal which
18 is injured so that it cannot rest comfortably for a
19 minimum of three (3) working days may be destroyed
20 immediately as so authorized by the Executive
21 Director or his/her authorized agent. All other
22 animals shall be kept at the Shelter or place designa-
23 ted by the Shelter for a period of not less than
24 three (3) working days to afford owners the opportunity
25 to claim the animal. After such period of time,
26 unclaimed animals shall be placed in a suitable home,
27 retained at the Shelter or euthanized. Animals
28 released to the Shelter by their owners, or impounded
29 animals not claimed within the legal time become
30 the property of the Shelter and disposition may be
31 made at the Shelter's discretion.
- 32 (5) To cause to be picked up and disposed of all dead
animals found in or on any street or sidewalk, alley
or other public place in the City.
- (6) To cause to be investigated all reports and complaints
concerning any inhumane treatment or practices per-
taining to animals within the City. To cause to be
impounded all animals found in conditions adverse to
their health and safety at the Shelter or suitable
place so designated by the Shelter. Impounded
animals are to be retained in the custody of the Shelter
or Shelter's agent, until such time as the court
shall decide the disposition of the animal or the
Shelter can make the arrangements necessary for the
animal's health and safety with its owner.
- (7) To enter into contracts with any municipalities or
governmental units or any person, association or
corporation for the collection, transportation,
sheltering and disposal by the Shelter for sick,
diseased, injured, illegally at large, lost,
strayed or abandoned animals provided that no such
services be extended by the Shelter outside the City,
except under written contract with the unit, person,
association or corporation concerned and at a charge
based upon the actual cost of such services, including
overhead; provided that no such contract shall be
effective except upon the approval of the City

1 Attorney or a duly designated Associate, as to form
2 and legality, the approval of the Mayor, and the
ratification by City Council.

- 3 (8) To employ all personnel necessary for the efficient
4 performance of the duties required of the Shelter.
- 5 (9) To prepare and submit to the City Council through the
6 City Controller, an annual budget, for its financing
of its operations and performance of its duties.
- 7 (10) To submit to the Mayor, and to the City Council, no
8 later than January 30th of each year, a report of its
activities and operations for the prior year.
- 9 (11) To establish reasonable fees to be charged to persons
10 reclaiming and adopting animals, and to collect such
fees, such fees to be adopted only after Commission
approval and submission to the Mayor and City Council.
- 11 (12) To provide that all dogs and/or cats released for
12 adoption, shall be spayed or neutered and provisions
made for a program to monitor said spay/neuter plan.

13 ARTICLE III

14 ANIMAL CARE REGULATIONS

15 Section 6-4 ANIMAL CARE REGULATIONS

- 16 (1) No person shall confine or allow their animal to remain
17 outside during weather conditions which would consti-
tute a health hazard to the animal without providing
appropriate shelter.
- 18 (2) No animal shall be hitched, tied or fastened by any
19 rope, chain or cord that is directly attached to
the animal's neck or choke collar. Animals that
20 must be tied, hitched or fastened to restrain them
must wear a properly fitted collar or harness. The
21 tying device shall be attached to the animal's
collar or harness.
- 22 (3) All animals shall have fresh, potable drinking water
23 and be provided with food that is nutritional for
that species.
- 24 (4) Cats and dogs over the age of six (6) months must be
25 vaccinated by a licensed veterinarian against rabies,
and must wear a tag at all times attached to a
26 properly fitted collar or harness.
- 27 (5) All animals shall be provided with necessary medical
28 care in addition to the required rabies vaccination.
- 29 (6) Persons responsible for an animal shall immediately
30 remove the animal's excrement from public lands or
the property of another, excepting a blind person
working with a guide dog.
- 31 (7) All animals, where kept inside, or in a pen, tied,
32 fastened, hitched, leashed, or enclosed in a fence
shall be kept in a sanitary manner. The persons

1 responsible for the animal(s) shall regularly and as
2 often as necessary to prevent odor or health and
3 sanitation problems, maintain all animal areas or
4 areas of animal contact.

5 (8) No wild or exotic animal shall be kept within the
6 City without the necessary State and/or Federal
7 permits.

8 (9) All animals shall be properly restrained as defined
9 in this ordinance.

10 (10) No person owning, harboring or responsible for an
11 animal shall beat, cruelly treat, neglect, torment,
12 overload, overwork, or otherwise abuse any animal.

13 (11) No person shall permit or conduct any dog fight,
14 cockfight, or other combat between animals or between
15 animals and humans.

16 (12) No person shall set any type of poisonous substance
17 or bait within the city limits that is deemed harmful
18 to any domestic animal; provided, however, that
19 controlled programs under the direction of the City
20 Board of Health or a licensed extermination service
21 may be excluded.

22 (13) Any person who causes injury or death to an animal
23 while operating a motor vehicle shall stop at once,
24 assess the extent of injury, and immediately notify
25 the owner or Animal Control Shelter of the location
26 of the animal.

27 (14) No animal shall be left unattended in a vehicle when
28 the conditions in that vehicle would constitute a
29 health hazard to the animal.

30 (15) No animal may be induced or encouraged to perform
31 through the use of chemical, mechanical, electrical,
32 or manual devices in a manner which will cause, or is
33 likely to cause physical injury or suffering.

34 (16) Every female dog or cat in heat shall be confined in
35 a secure building or enclosure so as to prevent
36 conception except during instances of planned
37 breeding.

38 (17) No person shall abandon or cause to be abandoned
39 any animal anywhere within the City limits in any
40 public or private place, way or building.

41 (18) No person shall own or harbor a public nuisance as
42 defined in this ordinance.

43 (19) No person shall own or harbor a vicious animal as
44 defined in this ordinance.

45 (20) No person shall sell, offer for sale, trade, barter,
46 or give away any live animal, fish, bird, or reptile
47 as a prize for, or as an inducement to enter a place
48 of amusement; or offer such vertebrate as an incentive
49 to enter any business establishment or enter into any
50 business agreement whereby the offer was made for the
51 purpose of attracting trade, for business other than
52 establishments selling animals as their primary business.

- 1 (21) No person shall sell, offer for sale, trade, or
2 barter any animal whose appearance has been chemically
3 altered by dyes or staining. ~~... or otherwise affixing a~~
4 ~~change in the cosmetic appearance of an animal.~~
- 5 (22) No person shall sell, offer for sale, barter, or give
6 away baby rabbits, chicks, goslings, ducklings or
7 other fowl as pets or novelties. This section shall
8 not be construed to prohibit the sale or display of
9 baby rabbits, chicks, goslings, ducklings or other
10 fowl in proper brooder facilities by hatcheries or
11 stores engaged in the business of selling them to be
12 raised for commercial purposes.
- 13 (23) No person shall keep or maintain any coop in which
14 chickens, ducks, turkeys or other domestic fowl and
15 poultry are kept within a distance of less than
16 fifty (50) feet from any dwelling.
- 17 (24) No person shall conduct or allow the following events
18 within the City Limits:
- 19 a. Rodeos
 - 20 b. Donkey Basketball Games
 - 21 c. Greased Pig Contests
- 22 (25) No person other than a duly authorized agent of the
23 Animal Control Shelter may destroy any domestic
24 animal within the City limits; provided, however,
25 this provision shall not apply to the following:
- 26 a. a licensed veterinarian
 - 27 b. those persons acting in immediate self
28 protection
 - 29 c. City Police Officers or Firemen acting to
30 prevent undue suffering.
- 31 (26) No person shall permit the continuous barking, whining,
32 or howling of a dog. When called, the Humane Shelter
will investigate promptly and maintain records on the
violation in such a manner that will permit expeditious
follow-up and enforcement. After the second offense,
the offending party shall be subject to Article VII,
Section 6-20.
- (27) No person shall interfere with an Animal Control
Officer in the pursuit of his/her duties as an Officer.
- (28) Violations of the provisions of this Section may
result in impoundment of the animal(s) in accordance
with Section 6-21.
- (29) Any violation of the above paragraphs 1 to 26 will
result in a fine in accordance with Article VII,
Penalties/Violations.

33 Section 6-5 LOST OR STRAY ANIMALS

- 34 (1) Persons finding a stray animal are to notify the
35 Animal Control Shelter, within 48 hours. At the
36 discretion of the Shelter, the animal may be kept by
37 the finder and a found report left with the Shelter,
38 to enable the finder an opportunity to return the
39 animal to its rightful owner. Upon demand by the

Animal Control Shelter, any found animal will be surrendered to the Shelter and held for three (3) working days, before a disposition is made. Persons finding an animal are obligated to comply with all rules and regulations of this ordinance pertaining to humane care and treatment of animals, while said animal is in their custody awaiting return to its actual owner.

ARTICLE IV

BITING ANIMALS

Section 6-6 BITING ANIMALS

- (1) The person responsible for any animal which has bitten a person or another animal must report the incident to the Animal Control Shelter. Upon receiving the report of a bite, the Shelter will quarantine the animal for ten (10) days with the place of confinement to be in the discretion of the Animal Control Shelter. During the quarantine period, the animal is to be securely confined and kept from contact with any other animal or person.
- (2) No person other than an Animal Control Officer or veterinarian shall kill or cause to be killed any animal suspected of being rabid except in cases of immediate self protection. If that occurs, the person will retain the body and immediately notify the Animal Control Shelter.

ARTICLE V

PERMITS

Section 6-7 PET OWNER'S PERMIT

- (1) Any person owning, keeping, harboring or having custody of any dog or cat over the age of six (6) months must obtain a pet owner's permit; provided, however, that no pet permit shall be required of any Humane Society, municipal animal control facility or governmental agency, or guide dog. Animals belonging to those agencies or persons will be issued complimentary tags.
- (2) A durable tag stamped with permit number and year of issuance will be provided to pet permit holders for each permit granted. Dogs and cats must wear their tags at all times on their collars, except when involved in any organized show, obedience demonstration, training situation or under the care of a licensed veterinarian.

Section 6-8 KENNEL/CATTERY PERMITS

- (1) Any person owning or harboring more than three (3) dogs over the age of six (6) months must apply for a kennel/cattery permit.
- (2) Any person owning or harboring more than eight (8) cats over the age of six (6) months must apply for a kennel/cattery permit.

- (3) Permit holder has right to request that any dog or cat accepted be vaccinated against common diseases and proof of such vaccination be furnished to the kennel/cattery operator. Any dog or cat accepted must be in compliance with the rabies vaccination requirements of this ordinance.
- (4) All kennel/cattery operators shall take care to house animals in a sanitary manner. Appropriate care, medical services and housing shall be given according to individual breeds.
- (5) In the event that an animal dies while being boarded or while in training, the body shall be preserved until owner's return or taken to a licensed veterinarian for an autopsy.

Section 6-9 BREEDER'S PERMIT

- (1) Any person who for compensation causes the breeding or selling of any dog or cat or makes any dog or cat available for breeding purposes must obtain a breeder's permit.
- (2) Each person subject to the provisions of this ordinance shall not allow the whelping of more than one (1) litter per female dog or cat in a twelve (12) month period.
- (3) Any person who advertises the availability of any animal(s) must also advertise the valid permit number.
- (4) All animals offered for sale must be immunized against common diseases.
- (5) No puppy or kitten under the age of eight (8) weeks may be sold, offered for sale or given away (exception being litters taken to the Animal Control Shelter).
- (6) Permit holder will furnish warranty of health for a period of not less than one (1) week with recommendation to have examined by licensed veterinarian for each animal sold.

Section 6-10 VETERINARY HOSPITALS/CLINICS

- (1) All animals shall be housed humanely and in a sanitary manner.
- (2) Veterinarians shall keep records of each animal accepted for treatment, diagnosis, or routine health care.
- (3) Veterinarians who engage in boarding, grooming or other business in addition to the treatment and/or medical care of animals shall obtain a permit as herein provided.

Section 6-11 GROOMING SHOP PERMIT

- (1) Any person who has a grooming shop as defined in this ordinance shall obtain a grooming shop permit.
- (2) Permit holder has the right to request that any dog

or cat accepted for grooming be vaccinated against common diseases, and require proof of such vaccinations be furnished to the shop operator.

Section 6-12 PET SHOP PERMIT

- (1) Any person operating a pet shop as defined in this ordinance shall obtain a pet shop permit.
- (2) The permit holder shall furnish the purchaser a written statement at the time of sale containing the following:
 - a. Date of sale,
 - b. Name, address and telephone number of purchaser and permit-holder,
 - c. Permit number of permit holder,
 - d. Breed, description, approximate age and sex of dog, cat or other animal sold. (Small mammals, parrot-type birds and fish not included.)
 - e. Prophylactic medication and immunization and dates administered,
 - f. Internal parasite medication(s) and date(s) administered,
 - g. A guarantee of good health for a period of not less than one (1) week with recommendation to have the animal examined by a licensed veterinarian.

The permit holder shall retain a copy of the written statement for a period of twelve (12) months from the date of sale.

- (3) The Animal Control Officer or Health Department may restrict the sale of any animal suspected of being diseased or otherwise unfit for sale. An examination by a licensed veterinarian may be requested at the expense of the enforcing agency.
 - a. The permit holder shall reimburse the enforcing agency's veterinary fees if the inspection by the veterinarian concludes the animal to be unfit for sale at the time of inspection.
 - b. The inspection is to be made by veterinarian within twenty-four (24) hours of the enforcing agency's determination that the said animal is not fit for sale.
- (4) All pet shops defined herein and stores selling animals, birds, reptiles and fish as pets shall take care to house animals in a sanitary manner, appropriate medical services, care, and housing shall be given according to individual species needs.

Section 6-13 CIRCUSES AND COMMERCIAL ANIMAL EXHIBITS

- (1) Any person who is responsible for a Circus or a Commercial Animal Exhibit as defined by this ordinance must obtain a Circus or Commercial Animal Exhibit permit.

Section 6-14 ZOOLOGICAL PARKS

- (1) Zoological Parks shall be issued complimentary permits at no fee.

1 Section 6-15 ANIMAL CONTROL SHELTER/HUMANE SOCIETY

- 2 (1) No permit shall be required of the animal control
3 shelter or Humane Society; however, all other
 provisions of this ordinance shall apply.

4 ARTICLE VI

5 PERMIT APPLICATIONS/INSPECTIONS/FEES

6 Section 6-16 APPLICATION/TERM

- 7 (1) Application for permits may be made at the City Con-
8 troller's Office or designated facility, or by mail,
9 and shall include name, address of applicant, type of
 permit applied for, number and description of
 animal(s), proof of rabies vaccination, information
 regarding sterilization, and appropriate fee.

- 10 a. All applicants must be in compliance with
11 zoning and all other applicable state or
12 local laws.
13 b. Those permits that require prior inspection
14 will not be issued until proof of such
 inspection is made available to Controller's
 Office by the inspecting agency.

- 15 (2) Permits are to be issued for a term of one (1) year,
16 commencing with the first day of February and
17 expiring at midnight on the last day of the licensing
18 period. Application for permit may be made from
19 February 1 through April 30 without penalty. After
20 April 30, all applicants will be required to pay an
21 additional Five Dollars (\$5.00) for each permit re-
22 quired; provided, however, circuses, performing
23 animal acts, or exhibitions shall be exempt from the
24 penalty.

- 25 (3) Upon issuance, City Controller's Office shall issue a
26 permit in written form which includes number of
27 permit, type of permit, and all pertinent information.
28 In addition, the Controller's Office shall issue a
29 durable tag stamped with permit number and year of
30 issuance for each pertinent permit.

- 31 (4) The Controller's Office shall maintain records of the
32 identifying permit number and make such records
33 available in written form to the Animal Control
34 Shelter.

- 35 (5) All fees shall be paid at time of application, and
36 prior to the issuance of the permit.

37 Section 6-17 INSPECTION

- 38 (1) Whenever it is necessary to make an inspection to
39 enforce any of the provisions of, or perform any duty
40 imposed by this ordinance, or when there is reasonable
41 cause to believe that there exists in any building or upon
42 any premises, any violation of the provisions of this
43 ordinance, or state or federal laws, an Animal Control
44 Officer, Board of Health Officer or their authorized
45 agent, is authorized to enter such property at any

reasonable time and to inspect the same and to perform any duty imposed by this ordinance; provided that:

- a. If the property is occupied, the officer shall first present proper credentials to the occupant and request entry explaining the reasons therefor; and
 - b. If the property is unoccupied, the officer shall make a reasonable effort to locate the owner or other persons having control of the property and request entry explaining the reasons therefor.
- (2) In the event that the Animal Control Officer, Board of Health Officer, or their authorized agent, has reasonable cause to believe that the keeping or maintaining of any animal is so hazardous, unsafe or dangerous as to require immediate inspection to safeguard the animal, or the public health or safety, the officer is authorized to immediately enter the property or premises and inspect the property and the officer may use any reasonable means to effect such entry and to make such inspection. If the property is occupied, the officer shall first present proper credentials and demand entry, explaining the reasons therefor.
- (3) If entry is refused or cannot be obtained because the owner or other person having charge or control of the property cannot be found after a reasonable, diligent search, the officer shall have recourse to every remedy provided by law to secure lawful entry and inspect the property.

Section 6-18 FEES

In addition to all other fees required by law to be paid, the following fees shall be paid:

(1) Pet Permit:

Altered dog or cat.....\$2.00
Unaltered dog or cat.....\$5.00
Owner over age of 65.....\$2.00
A statement from a veterinarian
saying that neutering shall
constitute a threat to the health
of that animal shall be issued a
permit for.....\$2.00
Replacement tags.....\$5.00

- a. Application for a pet permit must be made within thirty (30) days of acquiring a dog or cat over the age of six (6) months, or within thirty (30) days of the date in which a puppy or kitten attains the age of six (6) months.
- b. This requirement will not apply to non-residents keeping an animal within the city for not more than thirty (30) days.

(2) Kennel/Cattery Permit:

4-15 dogs.....\$50.00
9-15 cats.....\$50.00
16-25 dogs.....\$75.00
16-25 cats.....\$75.00
26 or more dogs.....\$100.00
26 or more cats.....\$100.00

- 1 a. Permit will be issued after inspection
2 approved by Animal Control Shelter and/or
3 Board of Health and verification of same
4 submitted to Controller's Office.
- 5 (3) Grooming Shop Permit:
6 Fee.....\$ 50.00
- 7 a. Permit will be issued after inspection
8 approved by Animal Control Shelter and/or
9 Board of Health and verification of same
10 submitted to Controller's Office.
- 11 (4) Breeder's Permit:
12 Fee.....\$ 25.00
- 13 a. A breeder's permit shall be issued provided
14 all requirements of this ordinance are met.
- 15 (5) Pet Shop Permit:
16 Fee.....\$100.00
- 17 a. Permit will be issued after inspection
18 approved by Animal Control Shelter and/or
19 Board of Health and verification of same
20 submitted to Controller's Office.
- 21 (6) Circus and Commercial Animal Exhibit Permits:
22 Fee.....\$100.00
- 23 a. Permit shall be valid only so long as the
24 circus/commercial animal exhibit is in City
25 for display, activity, etc., and must have a
26 specific beginning and ending date, not to
27 exceed ten (10) days.
- 28 b. Events lasting longer than ten (10) days must
29 apply for second permit.
- 30 c. Permits rendered void are not re-usable for
31 separate engagements.

32 Section 6-19 APPEAL: DENIAL OR REVOCATION OF PERMIT

- 33 (1) Any person who is denied a permit or whose permit is
34 revoked may appeal the denial or revocation to the
35 Animal Control Commission within sixty (60) days of
36 the date of the denial or revocation of the permit.
- 37 (2) All requests for appeals must be in writing and
38 addressed to the Animal Control Commission; whereupon
39 the Commission shall set the appeal for hearing within
40 forty-five (45) days of the receipt of the written
41 request.

42 ARTICLE VII

43 PENALTIES/VIOLATIONS

44 Section 6-20 PENALTIES/VIOLATIONS

- 45 (1) Violators of any provision of this ordinance, unless
46 otherwise specified, shall be fined not less than
47 Fifty Dollars (\$50) nor more than One Thousand
48 Dollars (\$1,000).

- (2) Violators, upon conviction, may be given the opportunity to work at the Animal Control Shelter and/or participate in a humane education program, if so recommended by the court.
- (3) Each twenty-four (24) hours that a violation occurs will be considered a separate offense and can be cited as such.
- (4) Violations of any provision of this ordinance may result in immediate impoundment of animal(s).
- (5) Violation of any provision of this ordinance may result in revocation of any permits.

ARTICLE VIII

IMPOUNDMENT/REDEMPTION

Section 6-21 IMPOUNDMENT

- (1) Animals found in cruel, abusive, or neglectful situations as defined in this ordinance may be promptly impounded if no immediate contact with a responsible person can be made; provided, however, that the Animal Control Officer shall leave written notice saying the location of the animal and the reason for impoundment.
- (2) Animals so removed will be impounded and held at the Animal Control Shelter or designated facility until such time violator is in compliance with this ordinance; provided, however, that in no event shall this period exceed ten (10) days, at which time the animal shall become the property of the Animal Control Shelter, or for the Animal Control Officer to have ample time to prepare a court case if prosecution is warranted.
- (3) Animals waiting disposition by the courts shall remain in the custody of the Animal Control Shelter until such disposition is made or placed in a foster home until legal arrangements have been completed.
- (4) Animals so removed may be transported to a licensed veterinarian for examination and/or treatment. If, in the opinion of said veterinarian, the animal must be destroyed, euthanasia will be performed immediately. Costs of treatment, euthanasia, and/or care shall be the responsibility of the owner/agent.

Section 6-22 REDEMPTION

- (1) A person may reclaim an animal in the custody of the Animal Control Shelter upon providing the following:
 - a. Proof of ownership,
 - b. Payment of redemption fee and any other service/medical fees,as approved by the Animal Control Commission.
- (2) Stray or at large animals will be held three (3)

working days at the Animal Control Shelter, pursuant to Section 6-3,4.

- (3) Unclaimed animals become the property of the Animal Control Shelter and may be placed for adoption or humanely euthanized, pursuant to Section 6-3,4.

ARTICLE IX

MONIES

Section 6-23 MONIES

- (1) Monies - All monies generated or collected by virtue of the provisions of this ordinance are to be set aside and placed in the Animal Control Commission Fund and subject to appropriation each year by the Common Council of the City of Fort Wayne for the activities of the Humane Shelter.

Section 6-24 ORDINANCE SUPPLEMENTAL

- (1) The provisions of this Ordinance supplement all laws of the State of Indiana and all Allen County Ordinances covering the same subject matter.

Section 6-25 CONFLICTING ORDINANCES

- (1) All other ordinances of the City of Fort Wayne that are in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 6-26 SEVERABILITY

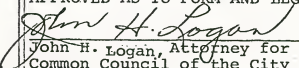
- (1) If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

Section 6-27 EFFECTIVE DATES OF ORDINANCE

- (1) Except for the requirement for applications for permits required to be made by this ordinance, which applications for permits shall not be required to be made until February 1, 1982, this ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and legal publication or legal posting thereof.

Councilwoman

APPROVED AS TO FORM AND LEGALITY:



John H. Logan, Attorney for the
Common Council of the City of
Fort Wayne, Indiana

Read the first time in full and on motion by W. Redmond, seconded by John Nicks, and duly adopted, read the second time by title and referred to the Committee Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on , 19 , at o'clock M., E.S.T.

DATE: 8-11-81

Charles W. Westerman
CHARLES W. WESTERMAN
CITY CLERK

Read the third time in full and on motion by W. Redmond, seconded by John Nicks, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	<u>7</u>	<u>2</u>	<u> </u>	<u> </u>	<u> </u>
BURNS	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
EISBART	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
GIAQUINTA	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
NUCKOLS	<u> </u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
SCHMIDT, D.	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
SCHMIDT, V.	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
SCHOMBURG	<u> </u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
STIER	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TALARICO	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

DATE: 9-22-81

Charles W. Westerman / ne
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. 2-14-81 on the 22nd day of September, 1981.

ATTEST: (SEAL) John Nicks
Charles W. Westerman / ne
CHARLES W. WESTERMAN - CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 22nd day of September, 1981, at the hour of 11:30 o'clock A. M., E.S.T.

Charles W. Westerman / ne
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 2:00 2nd day of October, 1981, at the hour of 2 o'clock P. M., E.S.T.

Winfield C. Moses, Jr.
WINFIELD C. MOSES, JR.
MAYOR

*Hold until
Sept 15*

BILL NO. G-81-08-16 (vs amended)

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON Finance TO WHOM WAS REFERRED AN
ORDINANCE dealing with animal control, care and disposition,
creating an animal control commission, the rigid enforcement of
laws dealing with animals and repealing all ordinances in conflict
herewith

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do PASS. *as amended*

VIVIAN G. SCHMIDT, CHAIRMAN

Vivian G. Schmidt

JAMES S. STIER, VICE CHAIRMAN

James S. Stier

MARK E. GIAQUINTA

Mark E. Giaquinta

PAUL M. BURNS

Paul M. Burns

ROY J. SCHOMBURG

Roy J. Schomburg

4-12-81
CONCURRED IN
DATE CHARLES W. WESTERMAN, CITY CLERK

THE FORT WAYNE HUMANE SOCIETY, INC. Fort Wayne, Indiana

2013 Fort Wayne National Bank Bldg. Ph: (219) 426-8078

46802

August 12, 1981

TO: THE COMMON COUNCIL OF THE CITY OF FORT WAYNE

RE: Bill No. G-18-03-16
Animal Control Ordinance

In light of the status of the above Ordinance and the strong desire of all interested citizens to see the enactment of the best possible Ordinance, The Fort Wayne Humane Society is willing to act as a coordinating agency with the objective of making such changes in such an Ordinance as will resolve the criticisms which have been made.

Specifically, representatives of the Society will be willing to meet on a weekly basis at noon, at the City/County Building or at the Fort Wayne Chamber of Commerce and to continue this process until a suitable draft can be presented.

Further, where issues cannot be resolved, we will present drafts of alternative provisions allowing the Council to select that provision which seems to best serve the public interest.

We are at your service.

Sincerely,

THE FORT WAYNE HUMANE SOCIETY, INC.

jaf

Warren W. Wyneken, President

cc: Hon. Winfield Moses

J. Robert Arnold, Atty.

Dr. Larry Ackerman - Veterinarians

Mr. Richard D. Smith - Breeders

Mrs. Nadine E. Meyers - Groomers

Mrs. Shirley Eby - Northeast Indiana Kennel Club

Mrs. Dorothy Frary - Fort Wayne S.P.C.A.

Mr. Warren B. Cartmel - Neighborhood Association

Mrs. Susan W. Messman - Director, Citizens Participation

Ms. Kathy Mettler - Citizens Advocate



The City of Fort Wayne

Office of the Mayor

18 August, 1981

The Members of City Council
The City County Building
One Main Street
Fort Wayne, Indiana 46802

Dear City Council Members:

I understand that you will be reconsidering the Animal Control Ordinance. To assist you in this process, I would like to raise five specific areas of concern to me and, where possible, suggest specific amendments to the bill. I have discussed these areas with the Humane Commission, and I believe that they are in agreement with the changes. If these amendments are incorporated into the ordinance, I believe we will have a document which I can sign.

1. Definition of Restraint. The draft ordinance defines restraint as, "A dog or cat shall be considered under restraint if it is within the real property limits of the responsible party or secured by a leash or lead."

I would like for the definition to read as follows:

"Restraint: Any animal secured by a leash or lead, or under the control of a responsible person and obedient to that person's commands, or within the real property limits of its owner."

This definition was written by The Humane Society of the United States (see attached model ordinance). The key phrase which distinguishes this definition from the one in the draft ordinance is the reference to "control of a responsible person and obedient to that person's commands." I do not think it is necessary to specify a leash or lead as the only means of restraint.

2. Whelping of Animals. Section 6-9, "Breeder's Permit," subparagraph (2) of the draft ordinance states:

"Each person subject to the provisions of this ordinance shall not allow the whelping of more than one (1) litter per female dog or cat in a twelve (12) month period."

I object to the all-inclusive nature of this provision. I believe that there may be some instances when a breeder can whelp a female dog or cat more than once in a twelve month period without harming the animal. Therefore, to allow for reasonable exceptions to this all-inclusive provision, I propose the following addition to subparagraph (2):

"If a breeder wishes to whelp more than one (1) litter per female dog or cat in a twelve (12) month period, a waiver may be granted by the Animal Control Commission. To obtain a waiver, the breeder must request the waiver in writing not less than 10 days before a regularly scheduled meeting of the Animal Control Commission, and the Animal Control Commission must rule on the request for a waiver at that forthcoming meeting."

This language allows both the breeder and the Animal Control Commission to consider special requests on a case-by-case basis. I believe that such administrative due process is fairer to all parties concerned than a blanket prohibition.

3. Pet Owner Permits. Section 6-7, "Pet Owner's Permit," subparagraph (1) of the draft ordinance states:

"Any person owning, keeping, harboring, or having custody of any dog or cat over the age of six (6) months must obtain a pet owner's permit. . ." However, Section 6-18 of the draft ordinance does not mention a "Pet Owner's Permit," noting instead a "Pet Permit," and then lists the fees for each category.

The problem between the two sections is primarily one of language. In Section 6-7 the ordinance licenses the owner, not the animal. Section 6-18, on the other hand, charges permit fees for the animal, not the owner. The language and intent must be clearer and more consistent.

I would like Section 6-7 to read, "Pet Permit," and subparagraph (1) should state, "Every dog or cat over the age of six (6) months must have a pet permit. It is the responsibility of the person who owns, harbors, keeps, or has custody of the animal to obtain the permit."

Also, Section 6-18, subparagraph (1) should read, "Each altered dog or cat. . .each unaltered dog or cat. . ."

each dog or cat owned by a person over the age of 65. . .and replacement tags for each animal."

4. Fees. The draft ordinance specifies different fees for different economic operations--Kennel/Cattery, Grooming Shop, Breeder, and Pet Shop. Many animal businesses perform all functions as part of the same economic unit; it may not be unusual for a kennel operator to be a breeder, groomer, or even a pet shop owner as well. I believe that it is unnecessary for such an omnibus business to obtain separate permits for each economic function. Therefore, to limit the economic penalty that arises from multiple permits for one business, I propose that another type of fee be offered as an option:

(6) Omnibus Permit:

Fee. \$100

- a. Permit allows the holder to operate or be a kennel/cattery, grooming shop, breeder, or pet shop. The permit holder does not need to obtain individual permits in the aforementioned areas, but all requirements for each of the aforementioned permits must be met before the Omnibus Permit will be issued.

Please note that the addition does not release the permit holder from obtaining a "Pet Permit" for each animal, should that animal be over 6 months old.

5. Penalties/Violations. Section 6-20, subparagraph (1) states:

"Violators of any provision of this ordinance, unless otherwise specified, shall be fined not less than Fifty Dollars (\$50) nor more than \$1,000."

I believe that this provision is too open-ended. The person who does not obtain a pet permit or has an animal without a tag should not have to pay a minimum of \$50 for the first offense. Such a statutory violation clearly is not the same as, say, pet abuse; this would be like arguing that a parking ticket should have the same economic penalty as a ticket for reckless driving.

Instead of the open-ended provision which covers both statutory and animal care violations, I would prefer a two-tier approach. The first tier would prescribe specific costs for each type of violation--eg. \$10 for not having a pet permit, \$50 for kennel/cattery violations, etc. To encourage compliance, the fine could increase for repeated offenses.

As for violations of the animal care regulations, I think that a spectrum similar to that prescribed in the draft ordinance would be acceptable. A range of \$50 to \$1,000 would allow for judicial discretion in determining the severity of the individual violation. Once again, I think that there is some merit for escalating the fine for frequency of violation.

Clearly, a two-tiered system similar to what I am proposing would be somewhat time-consuming and would require background research. It is not my intent to delay the passage of this ordinance or to increase the workload of Council. Therefore, I think that Section 6-8, subparagraph (1) should be dropped and replaced with the following:

"The Animal Control Commission shall develop two schedules of penalties and fines, one for violations of the provisions of Article III (Animal Care Regulations) and Article IV (Biting Animals), and the other for violations of the provisions of Article V (Permits) and Article VI (Permit Applications, Inspections and Fees). These schedules of penalties and fines shall be submitted to Common Council for approval, and shall be reviewed and revised annually by the Animal Control Commission.

This substitution places an essentially administrative/judicial problem in the hands of the Commission, allows for a stratified system of fines that more accurately reflects the nature of violations, and encourages the Commission to analyze regularly and adjust the fine structure, thus insuring that the fines remain fair, equitable, and enforceable.

I trust that the intent of my suggestions is sufficiently clear and that they can be incorporated into any new ordinance passed by City Council. I do not believe that the proposals are unreasonable, and I believe they will improve upon what I consider to be an essentially sound ordinance.

Incidentally, I did not make specific suggestions for addressing the barking dog problem. I think that barking dogs are a very real concern to the people of Fort Wayne, and the issue should be addressed separately from the Animal Control Ordinance. I propose we form a joint task force to examine the problem, and draft a Barking Dog Ordinance within 6 months.

Finally, I have attached a copy of the model ordinance drafted by the Humane Society of the United States, as well as a current report from the International City Management Association. I think you will find the information helpful and informative.

Sincerely,



Win Moses, Jr.
Mayor



Management Information Service

VOLUME 13
NUMBER 4
APRIL 1981

REPORT

Practical management of animal problems



REPORT AT A GLANCE

This month's report discusses the major issues and problems facing personnel in the animal control field, and describes numerous programs communities around the country have set up to reduce animal problems.

Responsible pet ownership is the goal of animal control. The means to that goal are: (1) an animal control ordinance that makes the owner legally responsible for the pet, (2) an enforcement program that employs properly trained field officers to patrol the community, (3) a sheltering facility that provides humane and sanitary housing

for animals, and (4) a public education program to inform pet owners that responsible pet ownership is the law.

Forcing pet owners to take proper control over their animals is at the heart of the solution to a community's animal problems. Leash law enforcement and sterilization of as many pets as possible must be regarded as major components of a program to solve animal problems. Veterinarians in many communities perform sterilization surgeries at reduced fees as part of organized programs.

While animal control employees have not enjoyed much prestige in the past, today's animal control officer must be

a qualified professional. The job is difficult, and increasingly the officers and shelter employees who carry out municipal animal control programs are receiving the benefit of training. The result will be more stable and productive staffs.

To aid communities in establishing an animal control program, or in evaluating existing activities, this report contains a reprint of the recommended animal ordinance of the Humane Society of the United States, and checklists of program elements that should be incorporated into local shelter and field operations.

1149
Connecticut
Avenue
Northwest
Washington DC
20036

Management Information Service

April 1981
Vol. 13 No. 4

International
City
Management
Association

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These reports are intended primarily to provide timely information on subjects of practical interest to local government administrators, budget and research analysts, administrative assistants, librarians, and others responsible for and concerned with the operational aspects of local governments. Reports are issued as part of a subscription service that includes answers to inquiries and other publications.

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cants were undecided about whether elected officials were handling the animal control problem satisfactorily, those who did have an opinion said, by a three to one margin, that officials were not doing enough.¹

In the Booz-Allen-Hamilton study reported by Robert Wilbur, 55 percent of owners and 50 percent of nonowners said local governments should take the lead in solving the free-roaming dog problem, while only 15 percent of owners and 14 percent of nonowners said private humane societies should handle this responsibility.

SUCCESS STORIES

Many communities are reducing animal problems with law enforcement, public education, and pet sterilization programs. Here are a few success stories.

In *Ann Arbor, Michigan*, the *Humane Society of Huron Valley* has a contract with the city for animal control. Through pet sterilization, public education in responsible pet ownership, and enforcement of the requirement that adopted pets be sterilized, the society has cut almost in half the number of surplus animals that must be destroyed. If a free-roaming pet is impounded, the owner must pay a fine whether or not he or she reclaims the animal.

The society has operated a reduced fee spay-neuter clinic since the spring of 1975. This clinic performs about 4,200 surgeries a year and is self-supporting. In 1979 the society processed 11,991 animals, or 6,487 fewer animals than in 1975.

In 1978 *Iowa City Animal Control* handled 1,800 fewer complaints about dogs than in 1975 (a drop from 3,000 to 1,200) because of an increased patrol and law enforcement program. Fewer dogs are turned in to the shelter because of greater public awareness of a pet owner's responsibility. Cat complaints have also been curbed by providing humane traps to capture nuisance cats.

In 1980 the *West Coast Regional Office of the Humane Society of the U.S.* conducted a survey of California humane societies and animal control agencies. Fifty-eight of the 78 respondents reported having a sterilization program (either a clinic or an arrangement with cooperating veterinarians), and 26 of these reported having reduced the number of animals handled at the shelters. Several other agencies had just started programs and were anticipating similar reductions.

The *New Hampshire Society for the Prevention of Cruelty to Animals (SPCA)* reports that the number of animals needing shelter was reduced by about one-third between 1977 and 1980, even though the human population in the state increased more than 18 percent between 1970 and 1980. The shelter received 6,002 dogs and cats in 1977 and 4,296 in 1980. The group started an aggressive follow-up program in 1976 to ensure that all adopted pets are sterilized. Another facility in the area that takes in animals for adoption is also receiving fewer animals.

On the one hand, citizens will no longer tolerate hazardous municipal programs, and this includes animal control programs. On the other hand, in some areas municipal animal control has progressed faster than private humane societies' activities. Some private agencies still try to find a home for every animal when long-range programs have already become imperative.

Communities that adopted progressive programs years ago are benefiting today from reduced animal problems and a better environment. These communities

In *Fort Worth, Texas*, the *Tarrant County Humane Society* opened a reduced fee spay-neuter clinic in October 1978. As of February 1981 it had neutered 10,000 animals. This clinic is in a low income neighborhood, and although the only form of advertising is by word-of-mouth, pet owners in the neighborhood are keeping the surgery schedule full. The society reports a reduction in the number of puppies and kittens coming into its shelter. (There is also a municipal shelter in Fort Worth.)

In *Hot Springs, Arkansas* (population: 35,000), animal control officers issue written "courtesy warnings" to violators of the leash and license laws, then follow up with summonses if the violators do not begin to comply with the law. In 1980 three full-time officers issued 714 courtesy warnings and 122 court summonses. The judge convicted 96 violators, 70 percent of whom paid the minimum fine of \$25 plus court costs. The remaining fines ranged up to \$100 plus costs.

Director John Seales took the time to meet with the judge to explain the seriousness of animal control problems. The judge was thus made aware that violators who appear in court have already been given every opportunity to obey the law.

The *Los Angeles County* (population: 1.6 million) *Department of Animal Care and Control* has reduced the pet population in county shelters from 144,000 in fiscal 1975 to 93,000 in fiscal 1980, a drop of 51,000 animals that had to be handled. In fiscal 1980, 55,000 fewer animals had to be euthanized than in fiscal 1975 when the figure was 120,000.

The department's public education efforts include messages about pet owner responsibility contained on the animal control vehicles. Field officers are required to try to locate the owner of a free-roaming pet so that the pet can be returned home rather than impounded. The department also operates five spay-neuter clinics, the first opening in late 1974 and the other four in 1976.

The *Los Angeles City Department of Animal Regulation* opened its first spay-neuter clinic in 1971 and two more in 1973; a fourth facility was opened with private funds in 1979. The city euthanized 54,135 fewer animals in 1978-79 than in 1970-71 because of public education efforts and the availability of pet sterilization.

In 1978-79, 201,221 dogs were issued city license tags, and 54.2 percent of these dogs were sterilized compared to only 10.9 percent in 1971-72. In 1978-79, 88,284 animals were impounded, compared to 144,530 in 1970-71.

have set the pace for the nation's public officials who are responsible for animal control. Although there is much to be done in many parts of the country, yesterday's dog catcher is fast becoming today's animal control professional.

Responsible animal control benefits everyone in the community. It is the best compromise between the two groups whose emotional confrontations have characterized animal problems: the pet owners who love their animals and the nonowners who suffer the nuisances these animals often create.

When responsible pet ownership becomes the standard for the community, nonowners will no longer be driven to ask for more restrictive pet legislation. There will be fewer complaints, fewer health hazards, fewer free-roaming animals to be sheltered (only to be destroyed later), fewer tax dollars spent on solving animal problems—in short, a better environment for people and animals.

LICENSING AND REVENUE

Taxpayers who do not own animals may complain about paying for an animal control program, but animal control has become an accepted part of municipal responsibility. Just as citizens without children pay for public schools and people who never use the public library pay for its maintenance, all citizens must share the cost of maintaining animal control programs because all citizens benefit. Keeping the streets free of animal feces, solving nuisance animal problems, and controlling rabies benefit everyone, just as maintaining police and fire protection benefits everyone—even though every citizen will not call on these services.

While pet licensing has been identified as a source of revenue for animal control, it is also a humane method of animal control. Licensing the animal means that if lost or free-roaming it can be returned to its owner promptly. (In 1979 the Salt Lake City-County Division of Animal Control was able to return home not only a dog but a lost three year old boy through the license tag worn by his companion, his dog.) The owner can then be made aware of the animal control laws and possibly be given a citation.

A community animal control program should cost \$1 for each taxpayer, a cost that may or may not be recovered by pet license and impoundment fees. However, a municipality must be prepared to cover any deficit to maintain a complete program.

Funding for animal control has been available through certain federal programs. Shelters have been constructed with revenue sharing funds. Other forms of federal assistance, such as Farmers Home Administration loans and economic development grants, and personnel made available through the Comprehensive Training and Employment Act, have been utilized by

animal agencies. However, the availability of these funds depends on continuing congressional and White House support.

Funding has also been generated locally. Citizens in Ottawa County, Ohio, voted in 1980 in favor of a levy to build a new animal shelter. More people voted on the levy than on the county candidate races. A maximum of \$88,000 was set for the project, costing each homeowner only \$1.20. The humane group that campaigned for the levy reports that publicizing this low figure helped bring about the community's support for the measure. Shelter construction was begun, with the opening scheduled for April 1981.

Pet licensing also helps establish the number of pet animals in the community so that services and budgets can be better planned. Studies indicate that there are many pet dogs that could—and should—be licensed. Based on 1979 market surveys by Frost & Sullivan, National Family Opinion, Inc., and National Analysts, it was estimated that 48 percent of all households in the U.S. (or 31.7 million) owned at least one dog. Dog ownership was found to be highest in the western, south central, and mountain states, where 60 percent of all families owned at least one dog. The lowest proportion of dog owners, 44 percent, was found in New England and the middle Atlantic states. Rural areas showed a higher percentage of families owning dogs (58 percent) than did major metropolitan centers.⁴

DVM, a news magazine for veterinarians, reports that dog ownership is decreasing, according to studies by NPD Research, Inc., a marketing research firm. NPD says that in 1979, 46.5 percent of all families owned dogs compared with 50.2 percent in 1976. The company reports that cat ownership is remaining fairly constant, with 26.7 percent of all families owning cats in 1979.⁵

Dog registrations with the American Kennel Club dropped in the late 1970s, but it is expected that they may increase, depending on economic conditions.

Licensing/Renewal Programs. Here is a look at several licensing programs under way around the country.

Maricopa County, Arizona (population: 1.5 million), has developed a successful licensing program, according to a report by the program's assistant director, Dr. Thomas E. Kelly, in the *Journal of the American Veterinary Medical Association*.⁶ By law, the Maricopa County rabies control program, covering 9,226 square miles, must be self-supporting through license sales and pound fees. The county reports that license fees account for 77 percent of its revenues; the other 23 percent comes from adoption fees, charges for rabies vaccinations, cat trap rentals, and owner services such as tick dips. The license fees have increased over the last several years from \$2.50 to \$7.00. The 1979-80 budget was \$1.9 million, and there was no deficit.

Door-to-door canvassing was begun after the law was amended to provide a misdemeanor penalty to those

who fail to license their dogs within 15 days of receiving notification. The canvassing caused some outcry from dog owners, but the surveys continued, with the cost sometimes offset by the CETA program.

Area veterinarians are provided with forms to give to dog owners when the dogs are vaccinated against rabies, and the owners can purchase licenses by mail. The county keeps license information on a computer and notifies owners by first class mail when licenses are due. Rabies clinics are provided in cooperation with the Central Arizona Veterinary Medical Association.

In 1961 the county had a human population of 704,978 and sold 33,253 dog licenses. In 1979, with a human population of 1,453,500, the county sold 174,750 licenses.

In Los Angeles County, California, officers of the Department of Animal Care and Control are assigned to neighborhoods. This way they can become personally acquainted with the households and neighborhood pets. Officers can sell licenses in the field, deposit the fees at a convenient bank branch, and then mail the names and addresses of the pet owners to the county. The department will then send out the licenses.

License renewal is tracked by computer, and renewal notices are mailed out. The department reports that about 50 percent of the county's dog owners respond after the first notice. Those who do not must pay an additional \$5. If an officer has to visit the pet owner more than once, a citation is issued.

County license sales are 160,000 per year, and the department conducts door-to-door license surveys. In 1975, 22 percent of the licensed dogs were neutered; in 1980, 45 percent were neutered.

Dade County, Florida (population: 1.6 million), Animal Control uses a computer system for licensing. Its data includes:

- Owner's name, address, and telephone number
- Number on the license tag and date issued
- Dog's breed, color, sex, age, and name it answers to
- Whether dog is sterilized.

Director Ronald F. Petty considers the computer program well worth the initial investment. The computer makes it possible for licenses to expire one year after purchase rather than all at the same time. This eliminates both a large workload once a year at renewal time and the confusion that results from license purchases at different times during the year. Renewal notices are mailed out monthly, and include information on pet sterilization and other topics.

Of the estimated 275,000 dogs owned in the county, 87,000 are licensed. Petty believes license sales would be higher if the county commission would allow door-to-door canvassing and if all area veterinarians would agree to sell licenses with rabies vaccinations. About half the veterinarians refuse to sell licenses because of a controversy over rabies vaccines. The county adopted a

rabies protection schedule of a vaccination every two years, but, Petty says, the veterinarians prefer to vaccinate each dog once a year. Petty himself prefers a one-year licensing schedule because of the large turnover in population in his area of the state.

A new dog law for the state of New York went into effect in 1980. Revenues from dog license fees are divided, with 53 percent staying in the licensing community, 30 percent going to the county, and 17 percent to the state. All impoundment fees and fines stay in the community.

Every community is required to have a dog control officer, and every dog seized must be properly cared for. The licensed dogs get ID numbers that remain with them for their lifetimes, and the owners receive license renewal notices from the state. Owners are required to inform the state of changes in the dog's ownership status. Any money generated by the new law must be used for dog-related programs. License fees for fertile dogs are \$5 higher than those for neutered dogs.

Eileen McShane, supervising field representative for the state's Dog Identification and Control Bureau, says the new law is focusing more attention on dog control problems. The long-range effects of this system will be important for the field of animal control. When properly enforced, this kind of program can increase revenue and achieve better control of the dog population.

The small community of Wayland, Massachusetts, found an effective means of encouraging dog license renewals by publishing in the local newspaper the names of persons owing overdue license fees. Nearly half the offenders paid almost immediately.

The city of Seattle, Washington, conducted a comparative licensing study based on 1976 figures. The study revealed the benefits of putting full-time license officers in the field and charging reasonable fees (e.g., \$10 for fertile animals and \$5 for neutered animals). The results are that a high percentage of owner dogs are licensed and a high percentage of the total budget comes from license fees.

Survey Results. In 1980 HSUS sent out an animal control survey and received 106 responses from agencies in 30 states. The human populations in the responding communities ranged from 6,000 to over 1.3 million. Some communities have animal control programs that are municipally run, some have programs contracted to humane societies, and others have both municipal and private programs.

The highest license fee charged by 68 of the communities was \$5; some reported no license requirement at all. Although some municipalities charge lower fees to encourage license sales, a fee any lower than \$5 does not cover the costs of administration.

Forty of the communities reported a program for encouraging pet sterilization—either a clinic or a program of reduced fees with cooperating veterinarians. Twenty-

one of the responding communities require pets adopted from shelters to be sterilized, and 47 charge more for licenses for fertile animals than for neutered animals (generally \$2-\$5 more). Below is a look at the licensing and revenue records of some of the respondents:

WEST MILFORD, NEW JERSEY

municipal program—23,000 residents
\$31,471 budget—4,100 dogs licensed
\$20,000 license revenue
license fees \$6 and \$4 (fertile vs. neutered animals)

TOMPKINS COUNTY, NEW YORK

animal control contracted to humane organization
88,000 residents
\$109,036 budget—12,000 dogs licensed
\$75,000 license revenue
(New York State dog license fees are \$7.50 and \$2.50; communities may charge higher fees but the \$5.00 differential must be maintained.)

McLEAN COUNTY, ILLINOIS

municipal program—120,000 residents
\$54,000 budget—9,000 dogs licensed
\$36,000 license revenue
license fee \$4

MUSKEGON COUNTY, MICHIGAN

municipal program—153,000 residents
\$187,201 budget—18,000 dogs licensed
\$89,963 license revenue
license fee \$6 (\$4 for senior citizens)

CLACKAMAS COUNTY, OREGON

municipal program—230,000 residents
\$232,000 budget—21,398 dogs licensed
\$165,325 license revenue
license fee \$12 and \$6

SAN BERNARDINO COUNTY, CALIFORNIA

municipal program—300,000 residents
\$704,645 budget—40,000 dogs licensed
\$399,300 license revenue
license fee \$10 and free for neutered dog

BUFFALO, NEW YORK

municipal program—380,000 residents
\$188,865 budget—25,000 dogs licensed
\$171,218 license revenue
license fees \$10 and \$5
(There is also an active humane organization operating a shelter in the area.)

MONTGOMERY COUNTY, MARYLAND

county handles licensing and law enforcement;
sheltering is contracted to humane society—
596,000 residents
\$930,985 budget (includes contract)—
31,335 dogs licensed—\$200,000 license revenue
license fees \$20 and \$6

MARTINEZ, CALIFORNIA

municipal program—600,000 residents
\$1,623,000 budget—58,536 dogs licensed
\$487,370 license revenue
license fees \$10 and \$5
(A humane society investigates animal cruelty cases.)

SANTA CLARA COUNTY, CALIFORNIA

animal control contracted to humane society
1,181,600 residents
\$1,700,000 budget—90,000 dogs licensed
\$843,000 license revenue
license fees \$8 and \$4

Should Cats be Licensed? It is certainly not unreasonable to require that cats be vaccinated and licensed. The benefits of dog licensing are no less applicable to the cat population. Pet cats can be returned to their owners, and the size of the cat population and its effect on the community can be better judged.

Since cats are picked up and handled by shelters in most areas, their costs should be regarded as part of the overall animal program. Licensing is a check on whether the cat population is vaccinated against rabies. Since most rabies cases come from wild animals and cats' hunting tendencies bring them in contact with wildlife, it is imperative that cats be vaccinated.

The Center for Disease Control in Atlanta, Georgia, reported 1,631 positive rabies cases in skunks and 281 in raccoons in its Annual Summary for 1977. Of all the skunks examined, 36.5 percent had rabies. Skunks comprised 51.3 percent of all positive specimens.

More and more communities are including pet cats in their municipal licensing requirements. Little Rock, Arkansas, has passed a cat licensing law, even though this provision already existed under state law. Enforcement is more direct for provisions in the local ordinance, and animal control is a problem that is better handled locally.

Summary. If a community that has had no licensing requirement begins one, pet owners—of cats and dogs alike—must be given several weeks' notice, and the public must be fully informed about the need for the program. Citizens will cooperate better if they understand that a new law or program is in their own best interests.

Licensing is one of the basic elements of the community animal control program. It protects pets, identifies the owners, forces the owners to accept more responsibility for their animals, and facilitates control over rabies and other animal problems such as bites.

Licensing fees should be high enough to contribute to paying for the total animal control program, but low enough so they are not an unreasonable burden. Pet owners who have their animals neutered should be rewarded with a lower fee.

How Progressive Is Your Program?

Questions to ask:

1. Does your ordinance make the pet owner legally responsible for the pet?
2. Are all animals adopted from shelters required to be sterilized?
3. Are your license fees high enough to contribute to supporting the animal control program?
4. Are cats required to be licensed?
5. Do neutered pets get a lower license fee?
6. Do you have a door-to-door canvassing program for licenses?
7. Are your field officers authorized to give citations for leash law violations?
8. Are animals returned home whenever possible rather than impounded?
9. Are fines for violations high enough to make the violator understand the seriousness of animal problems?
10. Are field officers prepared to educate the public whenever the opportunity arises?
11. Is animal control a separate department within municipal government? Are its revenues reserved for use in animal programs?

PROBLEMS AND SOLUTIONS

Westbrook and Allen discovered from their survey of Sacramento residents that:

- 25 percent of the general population had been threatened by dogs
- 18 percent had been bitten
- 36 percent had encountered animals as a traffic hazard
- 62 percent had encountered animal feces on the street
- 25 percent had suffered property damage from animals
- 51 percent had been bothered by animal noise
- 42 percent had had animals foraging in their outdoor garbage containers
- 33 percent had encountered dogs in packs creating a disturbance.⁷

Free-roaming and stray animals cause problems in our communities today. These problems result in annoyances and hazards for people, and hardship on the ani-

mals themselves. Many animal control agencies and humane organizations are meeting these problems with creative new approaches.

Rabies. Rabies control is one of the basic reasons why animal control programs were first instituted. While the disease has been largely conquered in the U.S., outbreaks still occur and continued control depends on vaccination of the pet population.

The Center for Disease Control (CDC) states that in 1979 there were 184 reported cases of rabies in dogs and 140 cases in cats. CDC has recommended to HSUS that 70 percent to 80 percent of a community's pet population (including new pets coming in) be vaccinated to keep the disease under control.

While twenty years ago most reported cases of rabies were in dogs, today most are in wildlife. Many communities have outlawed "wild pets," and the state of Oklahoma forbids the de-scenting or vaccinating of skunks for pets, since no wildlife rabies vaccine has been proved effective or licensed. Wild pets should be prohibited not just because of the rabies problem, but also because most wild animals cannot live like a domesticated pet. Forcing them to live as pets causes annoyances and hazards for people and hardships for the animals.

A study in the *Journal of the American Veterinary Medical Association* reports that dog rabies has been reduced in states with compulsory vaccination laws.⁸ Three-year rabies vaccination schedules appear to protect the community as well as one-year schedules. (A compendium of the three-year vaccines and other rabies vaccines licensed for use in the U.S., along with standardized immunization procedures and forms, are available from the National Association of State Public Health Veterinarians, P.O. Box 13528, Baltimore, Maryland 21203, or from each state veterinarian, located in the capital city.)

Partly in response to a serious outbreak of rabies in 1979, the state of Texas passed a new rabies law requiring all dogs and cats to be vaccinated. (The state has a special problem with diseased dogs crossing the Rio Grande from Mexico. Health authorities in Austin reported 60 confirmed cases of rabies in dogs from border counties during the outbreak.) The law requires that impounded animals be sheltered according to shelter guidelines provided by HSUS.

In 1979, 48 rabid cats were found in northeast and central Texas, where they were living on ranches with little or no care or supervision. This reinforces the need for vaccinations for cats.

Bites. Animal bites can be extremely serious; even a minor nip can be a stressful experience. Educating people about why dogs bite and dog bite prevention must be a part of an animal control program.

Estimates of the number of dog bites that occur in the U.S. every year range up to 1,125,000. There is no na-

tionally standardized system for reporting bites, and some think the number of reported bites is only about half the actual number.

Several studies show that the majority of dog bites are not from stray animals but from dogs whose owners can be identified. In many cases the victim knows the owner of the dog.

The Dade County, Florida, Department of Animal Services studied dog bites in early 1980. The county reported 5,145 bites in 1979, and studied a random sample of 249 bite reports. Of the 249, German Shepherds were responsible for 91 bites, Dobermans for 35, Pit Bull Terriers for 24, poodles for 20, and Great Danes for 11.

Licensing fees should be high enough to contribute to paying for the total animal control program, but low enough so they are not an unreasonable burden. Pet owners who have their animals neutered should be rewarded with a lower fee.

Dr. Michael Fox, a veterinarian and director of HSUS's Institute for the Study of Animal Problems, believes many bites are caused because some dogs are poorly bred and not suited temperamentally to life as a pet, particularly those dogs mass-produced by "puppy mills" to satisfy the demand for puppies. Fox commented to the *Wall Street Journal*, "Pups need plenty of human contact during their first weeks of life. If they're cramped up in cages and don't have human contact, they make unrewarding and unhealthy pups. They can be very difficult to handle." Also, when people purchase large dogs for protection and force them to live in cramped urban environments, the dogs undergo stress and can become irritable.

Ronald F. Petty, director of Animal Services for Dade County, Florida, says most bites reported are from owned dogs and many of these dogs are responding to what they believe is a threat to their owner or their owner's property. Petty says many owners are not aware of their dogs' protective instincts and do not realize when the dog is being prompted to bite.

Fairfax County, Virginia (population: 575,000) Animal Control reports 140 bites a month. Most of the bites are unprovoked attacks by family pets within the animal's territory. The Tompkins County SPCA in Ithaca, New York, studied 333 dog bites in the county in 1978-79, and found that 60 percent of the victims owned or knew the biting dog.

In Prince William County, Virginia, the Animal Control Department analyzed dog bite reports for 1980. The staff began the project to determine when and where most bites occur so field officers can better educate the public on how to avoid bites. It found that 405 bites came from owned pets and only 59 from strays. The

sources of animal bites generally included 411 dogs, 50 cats, 18 wild animals, 8 rodents, and 4 other animals. Fifty-seven victims were bitten by their own pets.

Prince William County Animal Control Director R.R. Reuschling estimates that there may be as many as ten unreported bites for every reported bite, since residents bitten by a neighbor's dog are often unwilling to report it for fear of creating bad feelings in the neighborhood. Reuschling reports that many bites are provoked by male juveniles teasing dogs.

In Lucas County, Ohio, the Dog Warden Department prepared an inexpensive leaflet giving tips on how to avoid dog bites. The leaflet, which is distributed around the community, makes these points.

1. Pet owners must be made aware they are inviting danger when they force large, vigorous dogs to live in small urban settings, or when they purchase dogs trained to be aggressive. All pet dogs should be kept under control so their protective instincts toward their owners will not result in bites.
2. Children must be helped to understand the potential danger of running at or making a commotion around dogs, particularly large dogs.
3. Dog bite reporting should be made mandatory, and the local bite statistics studied to reduce these tragic occurrences.

Sanitation. Feces and urine deposited by the nation's dogs and cats are clearly a problem, particularly in urban areas of concentrated population. Pet owners must be responsible for cleaning up after their animals to control this annoying and potentially dangerous form of pollution.

Diseases can be transmitted to humans through dog and cat waste, including toxoplasmosis, visceral larva migrans, and leptospirosis. Children are more likely to contract these diseases because they play in areas where feces have been left and then put their fingers in their mouths. At least one organization, Children Before Dogs, was founded for children's protection in New York City in 1970. This is a subject where the emotions of the conflicting parties run high.

When the New York Canine Clean-Up Law went into effect in 1978, there was national publicity and a tremendous outcry on the part of pet owners. In a 1979 suit brought by the Pet Owners' Protective Association and others, however, a New York State Supreme Court judge ruled that the "scoop" law is constitutional.

Because events in the media center of New York City get more attention than elsewhere, it may still be largely unknown that many cities have had scoop laws for some time, although enforcement has been uneven. In a review of ordinances that have been sent to HSUS from around the country, 35 municipalities were found to have scoop laws, and this is by no means comprehensive. Some of the scoop laws apply to any animal.

In Alexandria, Virginia, dog owners must clean up

after their dogs except in city-designated dog exercise areas. The Los Angeles County Department of Animal Care and Control has opened a dog exercise area with the County Department of Parks and Recreation. It is a fenced area specifically reserved for dogs to exercise. In Orange County, Florida, allowing a dog to defecate on public or private property is a violation; failing to clean up is an *additional* violation.

Many organizations provide information to the public on the availability of scoopers. The Toronto Humane Society published in its newsletter directions for making a scoop from a tin can and a plastic bag.

It is a reasonable demand that pet owners prevent their pets' waste products from becoming a nuisance and a health hazard. A scoop provision in an animal control ordinance, however, is only as good as a municipality's efforts to enforce it.

Free-roaming Pets. Forcing pet owners to take proper control over their animals is at the heart of the solution to a community's animal problems.

In Fairfax County, Virginia, the Animal Control Department receives about 1,000 complaints a month, and 75 percent concern animals (mostly dogs) running at large. County officials found that as more and more land was developed for housing, simple voice control over pet animals was not enough; a leash law had become imperative.

Enforcement Programs. In Oak Ridge, Tennessee, the homeowners insurance of one dog owner's policy paid \$300 to repair damage done to a car when the driver hit and killed a pet dog running loose. The insurance company paid these damages when it was shown that the city has a leash law which was regularly enforced.

The number of free-roaming pets on the streets of Cambridge, Massachusetts (population: 102,000), was reduced when the Animal Commission began a stepped-up enforcement program in late 1979. In the first two months, 300 citations were issued. The courts have cooperated by issuing warrants to those who failed to pay their fines. Fines are \$5 for the first offense, \$25 for the second offense, and \$50 for the third offense. In conjunction with the enforcement program, the commission printed an inexpensive leaflet and mailed it out with electric bills, courtesy of the power company.

In many cases, when owners who let their pets roam are informed about the danger and irresponsibility of their actions, the problem will be solved. However, if the law must be enforced with a citation, the municipality must be prepared to back its field officers to the fullest. And the courts must be prepared to treat animal control violations seriously because of their impact on the public health and welfare.

When the animal control department in Iowa City, Iowa, increased its patrol and owner education program, it discovered that a large part of impoundment

The Community Animal Shelter

Your community animal shelter should have these elements:

1. Location accessible to entire community; well-marked; open Saturday and at least one evening a week.
2. Available free-of-charge to any animal in need of shelter.
3. Lobby area separate from kennel; supervision of visitors.
4. Kenneling to house animals as follows:

Human Population	Kennel Space Required	
under 50,000	0-40 dogs	0-20 cats
50,000-100,000	50-75 and	20-30 and
100,000-200,000	75-100 puppies	30-35 kittens
200,000-300,000	100-120	35-40
300,000 and up	120-150	40-50

5. Animals separated by species, sex, and age; large exercise area.
6. Isolation for sick and injured animals and bite cases; emergency care by veterinarian or trained technician.
7. Adequate ventilation and temperature control.
8. Daily disinfection, with animals removed from cages during cleaning.
9. Proper food, water, and medical attention.
10. Telephone notification of owners if animal is tagged; up-to-date information on licensed animals available at all times.
11. Humane euthanasia method for surplus animals, administered by trained, competent personnel.
12. Adoption contract with these requirements: pet must be sterilized, pet must be given humane care, pet must be returned to shelter if adopter becomes unable to care for it, pet must be vaccinated and licensed before or within 30 days of adoption or by the time it is six months old.
13. Adopter must furnish proper identification and have no history of animal ordinance violation; shelter should make home check, if possible.
14. Complete records kept on every animal and its disposition.

revenues were coming from repeat violators. This indicates a need for stricter fines for repeat offenses and greater concentration on repeat violators.

The Handbook of Animal Welfare reports that the city of Vancouver, Washington, began a vigorous program of citing publicly owners of free-roaming dogs.¹⁰ The publicity has caused more people to take control of their pets.

Many communities now give tickets to owners of free-roaming pets when the owners can be located, rather than impounding the animals. And sometimes tickets are given to owners in addition to impounding the animals. Officers in Guilford County, North Carolina, issue citations to owners of free-roaming dogs, and the owner must pay a fine of \$5 to the county tax supervisor within 72 hours. Criminal warrants are issued to those who do not pay.

Prince George's County, Maryland (population: 658,000), began this kind of program in 1967. Other municipalities that authorize officers to give citations in lieu of impounding the animals include Kansas City, Missouri (population: 510,000), and Boise, Idaho (population: 110,000).

If field officers can follow free-roaming pets home or otherwise determine who the owners are, these owners can be cited for violating the animal control laws on the spot. The animal does not have to be housed and disposed of at public expense while the owner simply does not bother to reclaim it. And the officer still has the option of impounding the animal if the situation warrants.

The citation system helps curb increases in the number of animals impounded. Field officers have an immediate opportunity to educate the owner when the animal is returned home. The officers can also use discretion in issuing citations if it appears that a warning to the owner will suffice.

In Easton, Maryland, the Talbot County ordinance was modified in 1979 to include several provisions already in the state law. Area state attorneys had been reluctant to go to court on animal cases, but under the new county provisions violators can be given a summons, plead guilty, and pay a fine without going to court.

One promising approach is to rehabilitate violators by sending them to school. In Independence, Missouri, animal control violators may be sent with their pets to dog obedience school. In Montgomery County, Maryland, fines can be nullified for first-time violators if they attend a one-evening program at the animal shelter.

There are many well-meaning people who own pets and even take the precaution of having them vaccinated and licensed. Some of them, however, believe they are allowing the animal to live naturally by allowing it to roam. In such cases person-to-person education on the part of the field officer will solve the problem.

Traffic Hazards and Livestock Losses. Two special

problems that result from dogs being allowed to roam are traffic hazards (which involve cats as well) and the predation of livestock and wildlife.

In *The Handbook of Animal Welfare*, it is estimated that one million dogs are killed annually on U.S. roads.¹¹ Free-roaming dogs and cats in traffic are a hazard and are another reason to require that pets are kept under control, for both the pets' and the drivers' sakes.

The state of Oregon requires a dog being carried outside a vehicle to be restrained from falling. This minimizes the likelihood of dogs that are being carried on pickup truck beds jumping or falling into traffic.

Dog licensing systems were originally established to collect revenue for reimbursing livestock ranchers for their losses to dog packs. Putting the licensing money back into programs to control free-roaming dogs, however, offers a better long-range solution to pets preying on livestock.

Livestock predation remains a serious problem in the U.S., along with dog pack predation of wildlife. In *The Dog Crisis*, Iris Nowell reports that U.S. farmers are paid \$10 million a year for damage done by dogs.¹²

Shooting dogs when they are worrying livestock is legal in most rural and farming areas. In the western states, particularly, the size of the ranching areas makes it especially difficult for animal control departments to provide adequate patrols to pick up free-roaming dogs.

One attempt to solve this problem comes from the Sonoma County, California, Department of Animal Control. With funding from the local woolgrowers association, the department has prepared leaflets explaining the problem of livestock loss and is distributing the material throughout the community.

Pet owners in rural areas must face the consequences of letting their dogs run loose. It will be difficult, if not impossible, for animal control services to protect pets if ranchers or farmers are suffering economically because of them.

Control of the Pet Population. Recently published estimates of the national dog and cat population range from 70 million to more than 100 million dogs and cats. The 100 million figure includes 50 million to 65 million dogs. Surveys conducted by National Analysts, National Family Opinion, and Frost and Sullivan and reported by the Institute for the Study of Animal Problems show there are 41.3 million to 48.8 million owned dogs, of which 51 percent are pedigree. The owned cat population is estimated at 23.1 million to 25.6 million, 7 percent of which are pedigree.

To plan and finance an adequate control program, each municipality should find out how many animals there are locally. Some communities have employed college students or youth groups to take a pet census or to sell licenses for a small bounty payment.

The Arlington County, Virginia, County Manager's office surveyed 29,000 single family residences in 1979

with four CETA employees. The survey revealed that there was one dog per three households, with fewer dogs in more affluent neighborhoods. With 85 percent of all households counted, the county discovered that fewer than 35 percent of the owned dogs were licensed. County officials organized a mailing of license notices in an effort to increase that figure. The county also found that residents would give information about a neighbor's pet if the neighbor did not answer the door.

Details on the actual behavior patterns of stray and free-roaming dogs are available in some of the references at the end of this report. Information in these sources can be helpful to officers in planning their daily field routes. These studies indicate that the stray animal population is not self-perpetuating, that owned free-roaming animals are breeding with strays and contributing to the population growth. A majority of the free-roaming animals may in fact have homes.

Many pet owners seem to have a remarkably casual attitude about keeping their pets. In population studies in two counties in California, 35 percent of the dogs adopted were no longer in the household by the time they were a year old. One-half of these were puppies that adopters no longer wanted when they grew into dogs.¹³

When a prospective adopter comes to an animal shelter, officials have the perfect opportunity to promote responsible pet ownership. A municipality should not waste that opportunity.

At Fairfax County, Virginia, Animal Control, the number of animals turned in by owners is 40 percent to 50 percent of the total number of animals in the shelter. The Michigan Humane Society, serving 1.5 million residents with three shelters in the Detroit area, reports that 66,000 of the 84,000 animals handled in 1979 were turned in by owners.

The Animal Shelter: Promoting Responsible Ownership. Because there are so many dogs and cats, their lives have little value to many people. This throw-away attitude toward the animals may be the basic cause of a community's animal problems.

Many humane societies carefully interview adopters, and some make home visits to ensure that the animals go to responsible persons and permanent homes. More municipal officials are operating adoption programs in which new owners are screened rather than simply sold the animals. This is certainly a humane approach, and it also benefits the animal control program by increasing the likelihood that the pets will be properly controlled and not returned or abandoned.

When a prospective adopter comes to an animal shelter, officials have the perfect opportunity to promote responsible pet ownership. A municipality should not waste that opportunity.

A responsible animal control program ensures that:

- Pets are adopted only to responsible parties
- As many pets as possible in the community are sterilized, not only to curb growth in the pet population but also to improve each pet's health and behavior
- The pet's needs for care and companionship are met, so the pet does not create a noise problem or other disturbance.

Animal shelters throughout the country are also using binding contracts for animal adoptions, contracts which require humane care and animal sterilization.

In 1978 the Humane Society of Kent County, Michigan, filed suit against a family that did not have an adopted pet spayed as it had agreed to do in the adoption contract. The result was a consent judgment in which the adopters acknowledged the legality of the contract and had the dog spayed.

The Fort Wayne, Indiana, Humane Shelter, a city-operated facility, requires adopted pets to be sterilized. In the case of noncompliance, the animal is impounded and the adopter is not allowed to adopt another. In Arlington County, Virginia, adopters can be fined \$300 for failing to have adopted pets sterilized, and county prosecutors are prepared to pursue any cases where warning notices fail to bring results. In Bossier City, Louisiana, the fine is \$100.

In 1980 the state of Florida passed a law requiring all pets adopted from public and private animal shelters to be sterilized. The state of Illinois requires all female pets to be sterilized, and the state of California requires sterilization for all adopted cats.

Several municipalities require only adopted female pets to be sterilized. However, a fertile male can be responsible for the births of many litters in a short time. Also, fertile males aroused by females in heat can become nuisances and hazards in the neighborhood.

To promote more responsible pet ownership, the Santa Barbara Humane Society in California requires adopters to pay an additional \$5 to the pet adoption fee. This will then be refunded if the adopter attends a "Pet Information Hour" presented by the society.

In Alamance County, North Carolina, pets can be adopted from the Animal Control Department for \$55, which includes a veterinary examination, parasite tests and medication, vaccinations, and sterilization surgery. All the veterinarians in the Alamance County Veterinary Medical Association (comprising eight hospitals) participate by providing these services at reduced fees. The veterinarians benefit by being introduced to new clients.

Spay-Neuter Services. Since fees charged by private

veterinarians can be prohibitively high for some people, many communities are beginning to provide reduced fee spay-neuter services. Veterinarians have made the charge that reduced fee clinics and clinics that are publicly subsidized are unfair competition against their own private practices. However, the operation of reduced fee clinics, which perform surgical sterilization *only*, has resulted in fewer animals in many communities and has encouraged responsible pet ownership. Sterilization of as many pets as possible should be regarded as a solution to a serious community problem.

Opponents of spay clinics say that a strictly enforced leash law is sufficient to prevent pet breeding. However, in urban areas especially, where many pet animals are in close contact, fertile females in heat and fertile males attracted to those females can become unruly and noisy. Surgical sterilization can solve these nuisance problems as well as control breeding. Leash law enforcement and pet sterilization must be regarded as major components of an overall program to solve animal problems.

In Canada, the Vancouver Branch of the British Columbia SPCA (animal control agency by contract for ten municipalities) has operated a highly successful spay clinic since 1978. The organization surveyed its client owners and discovered that 83 percent of the dog owners and 94 percent of the cat owners could afford to have their pets sterilized only because the clinic's lower rates had become available.

The Scully Spay and Neuter Clinic, part of the Kent Animal Shelter in Calverton, New York, performed 2,776 surgeries between January and June of 1980. Built in 1973 with shelter funds and contributions, the clinic is now self-sustaining. The staff reports that 35 percent to 50 percent of all female animals spayed are pregnant or in heat, demonstrating the immediate effect a reduced fee clinic can have on the animal birthrate.

DM, the veterinarian news magazine, reported in October 1980 on a group of Portland, Oregon, veterinarians who opened their own reduced fee clinic to prevent a public clinic from opening. One of the veterinarians interviewed said that spay operations made up about 8 percent of his regular private practice, and that his practice had not suffered because of the clinic.

Veterinarians have taken legal action against reduced fee spay-neuter clinics. In 1976 a Florida veterinarian sued a private humane group to stop it from advertising that a reduced fee clinic was available. The veterinarian's case was eventually dismissed in the aftermath of the 1977 Supreme Court decision that advertising was protected by the first amendment.

In 1980, the Michigan Veterinary Medical Association sought an injunction to close a spay-neuter clinic operated by the Kent County, Michigan, Public Health Department. The clinic had opened in 1975 as part of the county animal control shelter. The county circuit court judge refused to grant the restraining order, ruling that the county has the authority to run the clinic under

the public health code. The Michigan Public Health Code of 1978 charges local health departments to "...continually and diligently endeavor to prevent disease, prolong life, and promote the public health through organized programs, including prevention and control of environmental health hazards. . . ."

In his decision the judge said, "The County claims that there is a significant relationship of animal control and management by the clinic and the health, safety, and welfare of the general public. . . . The Court agrees with the position of the County."¹⁴

The clinic run by the Humane Society of Huron Valley, Michigan, an animal control facility by contract, performed 4,200 surgeries in 1979. Built in 1975 for \$80,000 with donations from a fund drive, it operated for three years on county subsidies and then became self-supporting. Fees are \$12 for a male cat, \$20 for a female cat, and \$18-\$35 for dogs, depending on size.

In 1979 the Connecticut Department of Agriculture opened a reduced fee clinic. This was built with start-up funds from the Society for Animal Rights, Inc. of Summit, Pennsylvania. The city of Cleveland, Ohio, included a reduced fee clinic in the construction of a new city animal shelter, and the clinic opened in 1979.

Since 1971 veterinarians opposed to reduced fee clinics have said that chemical sterilants—birth control pills for pets—were under development and would be available soon. Some chemical sterilants are being marketed, but these are not permanent and they rely on the owner following a schedule for their administration. HSUS is assisting in the field testing of a permanent chemical sterilant for male dogs. When a chemical sterilant is developed that prevents breeding permanently, without health hazards to the animal, the humane community will be the first to embrace it.

Veterinarians in many communities perform surgeries at reduced fees as part of organized programs. This is a practical approach, because veterinarians use existing surgery facilities around the community.

The County of San Diego's Department of Animal Control has a cooperative program with 42 private veterinary hospitals that arranges for the sterilizations of 8,000 dogs and cats annually. By contract, the clinics must maintain professional standards of operation and follow a fee schedule. The following are set as the maximum fees: \$12 for a male cat, \$20 for a female cat, \$20 for a male dog, and \$25-\$50 for a female dog, depending on weight. In 1974 this program won an achievement award from the National Association of Counties.

Spay, Inc., a volunteer organization in Arlington, Virginia, that arranges reduced fee surgeries, reports that many veterinarians have asked to participate in the program in order to get new client contacts. Twelve veterinarians sterilize more than 3,800 animals each year.

Other Kinds of Population Control. A number of cities have limited by ordinance the number of pets per household. While these communities simply do not al-

low more than a specified number, others have a category of license for people who own several animals.

The city of Los Angeles has passed a law requiring anyone who wants to sell animals to be registered. Only one litter can be sold per year from a location in a residential zone, and the pets sold must be immunized against disease and meet other requirements. Area newspapers have agreed not to accept advertisements for pets without the breeder's registration number.

Animal Regulation Director Robert Rush says there are fewer animals being sold, and regards the law as one approach to solving the problem of pet overpopulation. He also reports that some breeders have been prosecuted for failing to meet the health standards set for animals that are sold.

The number of animals in a household, however, is not as important as whether or not they are being properly cared for and controlled. If pet owners want to prevent more and more restrictive legislation, they must ensure that their animals are not creating such problems that remedial legislation becomes the only solution.

Euthanasia of Surplus Animals. The most difficult of all tasks in an animal control program is destroying surplus animals. This task is called euthanasia (or "easy death") because the goal of shelter workers who destroy surplus animals must be to provide a humane death.

It is a tragedy that healthy animals—potentially good pets—must be destroyed because no one wants them. But until the pet population can be brought under control so that each animal lives in the home of a responsible owner, euthanasia must be conducted efficiently and humanely.

In an informal survey of 33 animal shelters in 1979, the shelters reported that 65 percent to 84 percent of the dogs and 70 percent to 94 percent of the cats handled were eventually euthanized. The average euthanasia figure was 67.9 percent for 43 counties surveyed in the fall of 1980 by the Illinois State Federation of Humane Societies.

Some rural communities still order periodic shootings of all stray dogs in the streets to control the free-roaming dog population. This is unacceptable for four reasons. First, shooting animals as a routine method of animal control is unnecessary when so many communities are succeeding with other animal control methods. Second, it is dangerous for bystanders. Third, there is a risk of shooting a dog that simply got away from an otherwise responsible owner, a personal tragedy that would create a poor image for the community. Fourth, a "shooting in the streets" program suggests that the animal problem has gotten far out of the control of the municipal authority, an embarrassing admission for local government officials when tested animal control programs are working throughout the country.

One western community that conducted periodic dog shootings finally hired a part-time animal control of-

ficer. Within two months the free-roaming dog problem in the community was greatly reduced. Impounded dogs are boarded temporarily with a local resident and then taken to a larger shelter nearby.

HSUS accepts these euthanasia methods for surplus animals:

- Injection of sodium pentobarbital
- Injection of T-61 directly into the bloodstream
- Filtered and cooled carbon monoxide
- Cylinder carbon monoxide
- For animals under eight weeks of age, nitrous oxide or chloroform in a properly constructed cabinet.

Shelter officials anywhere in the country can obtain sodium pentobarbital either by registering under their own state laws or, if the state does not have this provision, by obtaining the drug through a cooperating veterinarian. The Federal Drug Enforcement Administration has confirmed to HSUS that both methods are acceptable.

Choosing and implementing a humane method of euthanasia benefits not only the animals but also the public image of animal control departments. The Warren County, Ohio, Animal Shelter switched from high altitude decompression to sodium pentobarbital injection in 1980. Shelter Director Jan Thomas reports that many people in the community have since expressed relief that a humane method of euthanasia is now used. Some have commented that they are no longer reluctant to bring stray animals to the shelter since they feel confident that the animals will be disposed of in a humane manner. Thomas says she was surprised to learn how much citizens care about the way that shelter animals are handled.

In one Louisiana community a television station secretly filmed shelter employees beating the surplus cats to death with pipes. When the film was broadcast a furor in the community led to the hiring of an entirely new staff for the shelter. Sodium pentobarbital injection for euthanasia and a complete new program of animal handling are now under way. The shelter is becoming a center of community pride rather than disgrace.

Pound Seizure. It is unacceptable for an animal shelter to make impounded animals available for bio-medical research. Humanitarians oppose pound seizure because of the laboratory experiments themselves; but there are also practical reasons for the animal control authority to refuse to surrender animals.

Pound seizure weakens the entire animal control program, because some citizens are repulsed by laboratory experimentation or testing performed on animals and will not bring in stray or unwanted animals. This increases the problem of animal abandonment in the community. Further, the purpose of an animal control program is *not* to serve as a supply house for research laboratories; it is to serve the community and to solve

animal problems. In providing humane handling of the dogs and cats in need of shelter, an animal control department must act as a responsible government agency.

In 1979 the Metcalf-Hatch Act, which required shelters in New York State to make animals available for research, was repealed. Organizations are working for the repeal of pound seizure laws in other locations.

If a shelter is under a legal requirement to surrender animals, animal control authorities should do everything possible to eliminate that requirement. An animal control program must have the confidence of the public if it is to succeed.

TACTICS FOR BETTER ANIMAL CONTROL

Animal control matters have often been marked by hostile confrontations involving municipal authorities, humane organizations, and pet owners. In many cases, campaigns by humane groups have forced municipal authorities to take action on animal problems or to bring the local shelters up to humane and sanitary standards.

Legal Action. The Hocking County Humane Society, in Ohio, complained for years to the county commissioners about the pound. Conditions were unsanitary, recordkeeping was inadequate, and, on at least one occasion, dead puppies were found in food troughs. The society initiated legal action against the county under the animal cruelty laws. In the settlement a three-person arbitration board was set up to handle specific complaints about the pound. The society is hopeful conditions will improve with this settlement.

In an informal survey of 33 animal shelters in 1979, the shelters reported that 65 percent to 84 percent of the dogs and 70 percent to 94 percent of the cats handled were eventually euthanized.

Similarly, through legal action under anti-cruelty laws, humanitarians in Houston, Texas, forced the city shelter to institute proper cleaning methods, treatment for injured animals, and improved animal handling methods.

The Virginia Federation of Humane Societies, headed by Walt Laue, photographed and documented unsanitary and inhumane conditions at pounds around the state for two years. This material was presented to the state legislature in support of a bill requiring humane sheltering of animals in all communities. The bill passed, and a committee of humane society representatives and county administrators has developed specific sheltering standards. Small communities in Virginia are

encouraged to share a sheltering facility, if that will help meet local needs.

The humane community nationally is becoming more organized and sophisticated in its efforts to establish humane care and handling for the dog and cat populations. Since responsible and humane animal control is in everyone's best interest, it is up to the municipalities to take the lead.

Cooperative Efforts. There are many examples of productive cooperation involving the parties concerned about animals. The Responsible Pet Ownership Council in Portland, Oregon, includes veterinarians, city and county officials, animal welfare groups, and kennel clubs. The group distributes literature on responsible pet ownership and encourages spaying and neutering of pet animals.

In Euclid, Ohio, the city humane officer, Richard F. Kirschling, organized the Citizens' Pet Responsibility Committee. With its combination of private citizens and city council members, the group develops and promotes humane legislation, spaying programs, and public education.

The Alachua County Humane Society, in Florida, is now working in cooperation with the county sheriff, the Gainesville city police, and the local veterinary association to provide immediate care for injured animals.

Finally, two local humane societies raised funds to send their city animal wardens to training sessions at the Animal Control Academy in Tuscaloosa, Alabama (see "Training Programs" section). One of the wardens, Animal Shelter Director Brenda Elder, of Cleveland, Tennessee, was featured in the local newspaper as an Academy graduate, promoting community respect for Elder as a trained professional.

Such local efforts demonstrate what can be accomplished when the various parties concerned with animals realize they can all achieve their own goals through joint programs. A growing number of cities are also forming animal control commissions or advisory groups, with municipal officials, humanitarians, veterinarians, and other concerned parties studying specific problems and recommending action.

Contracting Out. Many municipalities contract the animal control program to a humane society. Although this has resulted in some very successful programs, the municipality must be prepared to pay fairly for the services the community receives. HSUS President John A. Hoyt has said,

Humane Societies are frustrated by the pet population problem, they are tired of being called murderers, they are tired of having to defend the wholesale destruction of animals in the name of humanness, and they are tired of subsidizing community animal control programs. Some of our organizations and

facilities now refuse to perform this task, and I find it hard to criticize them. The humane movement has no illusions that we can by ourselves rectify the [pet] over-population problem nor is it solely our responsibility.

One humane organization that has a contract for animal sheltering in a Virginia county is compensated for staff salaries, animal food and medicine, kenneling and supplies, and euthanasia equipment. The group itself must pay for salaries for the director and a veterinary technician, benefits (such as health insurance) for all employees, bookkeeping expenses, staff training, and capital improvements to the facility. It does this through its own fund raising.

As this organization was preparing to renegotiate the contract so that employee benefits and some of the other costs would be paid for by the county, the director commented to HSUS, "Humane societies have wanted quality animal control, so they have taken the responsibility for providing it on their own instead of demanding it from the municipality. But the law requires the municipality to provide this service. Even with our budget requests, it would still cost the county more to do it themselves."

Private humane groups can provide animal control services for the community, but the municipality must meet its responsibility by compensating the group fairly for rabies prevention, disease control, and other services provided.

Public Education. At a workshop for animal control personnel, one worker from a large, well-run shelter commented that even with the best facilities and equipment, there is a critical need for educating the public on pet issues.

Many animal problems exist because the pet owner simply does not know or understand what responsible pet ownership or proper animal care means. The animal control agencies and humane societies that are reducing animal problems today all attribute much of their success to public education.

Public education can solve many animal problems by:

- Making pet owners aware of their responsibility to meet their animals' needs and to keep their animals under control
- Letting citizens know that the animal control service is there to solve problems
- Informing people that animal laws will be enforced for everyone's benefit.

Officers from the Palm Beach County, Florida, Animal Regulation Division visited 114 community and school groups in a recent year, in addition to conducting tours of their shelter facility, and reached more than 228,000 people. The Bloomington, Indiana, Animal Control De-

The Field Program

Your animal control field program should have these elements:

1. Clean, neat uniforms for field agents.
2. Complete equipment including gloves, leashes, ropes, animal control poles, humane wire traps.
3. Vehicle: cleaned every day; shelter name and phone number displayed; properly maintained; separate cage for each animal; proper ventilation in animal-carrying area; separate box for carcasses; rescue equipment in proper working order.
4. Dispatch system with calls taken in order of priority by nearest vehicle.
5. Field log with each call recorded.
6. Field agents trained in humane animal handling and in managing conflicts between citizens.
7. Public education materials (pamphlets, copies of ordinance) for agents to hand out.

partment and the Monroe County, Indiana, Humane Association co-produced a filmstrip and audiotape for school children that they distribute to area teachers along with a 54-page teachers' guide.

The Tri-Agency Animal Regulation Authority in Eugene, Oregon, conducted a program in which officers give "RPO" (Responsible Pet Ownership) buttons to pet owners walking their dogs on leashes. With the sponsorship of local businesses, an area radio station announces the names of these recipients.

Animal control officers in Oak Ridge, Tennessee, give out free flea collars to citizens walking their dogs on leashes. The Oak Ridge Health Services' public information project on responsible pet ownership won an award of merit in the *City Hall Digest* Public Information Awards Competition.

Animal Control in Little Rock, Arkansas, distributes a coloring book to show children the problems that arise when dogs are allowed to roam. Director Anne Thompson has included a special "Dear Boys and Girls" letter inviting children to visit the shelter, and there is also a summary of city animal control laws addressed to parents. The Iowa City, Iowa, Animal Shelter distributes a coloring book that depicts the operations of the animal shelter.

Many local agencies distribute inexpensive leaflets that summarize the animal control laws and give the telephone numbers for animal services in an area.

Animal Control Staff Development. All of the programs discussed in this report have depended on animal control staffs of competent, well-trained individuals.

Animal control officers have long endured the "dog catcher" image. But their job is difficult—whether they are trying to capture a terrified and dangerous dog or arbitrating a disagreement between neighbors. (One California humane officer was attacked by a couple trying to keep the officer from impounding a free-roaming dog. The couple was convicted of assault, but the penalty was only a 90-day summary probation.)

While animal control employees have not enjoyed much prestige in the past, today's animal control officer is—or should be—a qualified professional, with these capabilities:

1. The officer must be able to understand all animal laws and explain them clearly to citizens.
2. The officer must be familiar with all the breeds of animals handled, and must be able to handle these animals in a humane manner. Rough handling is inhumane and is viewed negatively by the public.
3. The officer must be able to understand and carry out instructions and complete all forms and records legibly.
4. The officer must be able to drive the animal control vehicle safely and competently, obeying all traffic and parking laws.
5. The officer must be able to deal with the public in a courteous and informative manner.

Since responsible and humane animal control is in everyone's best interest, it is up to the municipalities to take the lead.

Training Programs. Many animal control employees are eager to become more professional in their work. In a 1980 survey of 29 animal control facilities in Cuyahoga County, Ohio, 25 respondents said they would like to attend a training program.

HSUS and the University of Alabama co-sponsor a training facility in Tuscaloosa, Alabama, called the Animal Control Academy. The Academy offers a 100-hour certification program for animal control, public relations, law enforcement, shelter management, and other topics.

The Academy's Euthanasia Technician Program is a 25-hour program on acceptable methods of euthanasia of surplus animals. This program also gives shelter employees an opportunity to discuss in a supportive atmosphere their personal feelings about the difficult task of destroying animals. The Academy also runs a three-day community relations program, which helps animal control personnel become familiar with methods and techniques for effective communication with the public. Continuing education units of credit are available to Academy graduates.

For further information, write the Animal Control Academy, Animal Control Department, HSUS, 2100 L Street, N.W., Washington, DC 20037. The following two schools also offer training programs:

Texas A & M University	Center for Continuing
Office of Continuing	Education
Education	Columbus College
College of Veterinary	Columbus, GA 31907
Medicine	(Attn: Jim Carmichael)
College Station, TX 77843	

State and regional animal control associations and humane federations also hold workshops, and HSUS can provide information on many of these programs. The National Animal Control Association, P.O. Box 187, Colorado Springs, Colorado 80901, distributes a newsletter to its membership.

Finally, HSUS conducts two-day workshops for animal control and humane society personnel several times a year. For schedules, write to HSUS Workshops, 2100 L Street, N.W., Washington, DC 20037.

Shelter managers and staff must be able to run a facility efficiently, keeping it clean and sanitary, and must show both humane care and handling of the animals and courtesy toward the public. The job is difficult, and the officers and shelter employees who carry out the municipal animal control program should have the benefit of training. The result will be a more stable and productive staff.

CONCLUSION

Animal control problems can be solved. Today animal problems are being solved in communities throughout the country. The programs mentioned in this report are only a portion of those achieving good results.

Responsible pet ownership is the goal of animal control. The means to reach that goal are public education, pet sterilization, and a sound ordinance and enforcement program.

Municipalities that make an investment in responsible animal control will create an environment where animals are not an annoyance but a source of companionship and joy.

¹ Robert H. Wilbur, "Pets, Pet Ownership and Animal Control: Social and Psychological Attitudes, 1975," *Proceedings of the National Conference on Dog and Cat Control* (Englewood, Colorado: American Humane Association), pp. 21-34.

² Lloyd A. Selby et al., "Survey of Attitudes Toward Responsible Pet Ownership," *Public Health Reports*, Vol. 94, No. 4, July-August 1979, pp. 380-86.

³ Robert D. Allen and William H. Westbrook, "Attitudes and Per-

- sonality Surveys," *The Handbook of Animal Welfare* (New York: Garland STPM Press, 1979), pp. 129-135.
- * "Companion Animals," *Bulletin of the Institute for the Study of Animal Problems*, Vol. 1, No. 2, January-February 1979.
- * *DVM: The Newsmagazine of Veterinary Medicine*, January 1980.
- * Thomas E. Kelly, "An Effective Urban Rabies/Animal Control Program," *Journal of the American Veterinary Medical Association*, Vol. 177, No. 12, December 1980, pp. 1231-34.
- * Allen and Westbrook, *Handbook of Animal Welfare*, pp. 132-33.
- * Steen Bech-Nielsen, H.V. Hagstad, and W.T. Hubbert, "Vaccination Against Dog Rabies in the United States," *Journal of the American Veterinary Medical Association*, Vol. 174, No. 7, April 1979, pp. 695-99.
- * *Wall Street Journal*, 19 October, 1979.
- * Allen and Westbrook, *Handbook of Animal Welfare*, p. 5.
- * *Ibid.*, p. 7.
- * Iris Nowell, *The Dog Crisis* (New York: St. Martin's Press, Inc., 1978), pp. 169-172.
- * Robert Schneider, "Observations on Overpopulation of Dogs and Cats," *Journal of the American Veterinary Medical Association*, Vol. 167, No. 4, August 1975, pp. 281-284.
- * Bennett and Gremel v. Kent County, Circuit Court for the County of Kent, 80-29976-AW (1980).

ADDITIONAL MATERIALS

Much of the information in this report originally appeared in *Shelter Sense*, the bimonthly publication of the Humane Society of the United States (HSUS) for animal sheltering and control personnel. For subscription information, write to *Shelter Sense*, HSUS, 2100 L Street, N.W., Washington, DC 20037.

HSUS has a variety of publications on recommended shelter procedures, animal regulation, and surplus ani-

mal euthanasia, plus a variety of informative handouts available in quantity. Write to HSUS at the address above for a free publications list.

"Changing Your Image." Three training video programs for shelter and field personnel are available on a single tape for \$85 from Virginia Polytechnic Institute and State University Film Library, 2 Patton Hall, Blacksburg, Virginia 21061. The tape includes: Part I—Recordkeeping; Part II—Shelter Sanitation; Part III—Field Procedures.

"Animal Control in Oak Ridge, Tennessee" is a study of a progressive animal control program. It is available for \$5 from the Municipal Advisory Service, University of Tennessee, Knoxville, Tennessee 37916.

Municipal Dog and Cat Control (November 1980). This is available from the Colorado Municipal League, 4800 Wadsworth Boulevard, Suite 204, Wheat Ridge, Colorado 80033.

Proceedings of the National Conference on Dog and Cat Control (February 3-5, 1976), published by the American Humane Association, P.O. Box 1266, Denver, Colorado 80201. This is available for \$4 from HSUS, 2100 L Street, N.W., Washington, DC 20037.

Beck, A.M. "The Ecology of Feral and Free Roving Dogs in Baltimore." In *The Wild Canids: Their Systematics, Behavioral Ecology and Evolution*, edited by M.W. Fox. New York: Van Nostrand Reinhold Company, 1975.

Beck, A.M. *The Ecology of Stray Dogs: A Study of Free-ranging Urban Animals*. Baltimore: York Press, 1973.

Fox, M.W.; Beck, A.M.; and Blackman, E. "Behavior and Ecology of a Small Group of Urban Dogs." *Applied Animal Ethology* 1 (1975): 119-137.

APPENDICES

Appendix A—Model Ordinance

A suggested ordinance for the humane control and regulation of animals and for other purposes.

Prepared and recommended by:

THE HUMANE SOCIETY OF THE UNITED STATES
2100 L Street, N.W.
Washington, D.C. 20037

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF _____:

SECTION 1. Definitions

As used in this ordinance the following terms mean:

Animal: Any live, vertebrate creature, domestic or wild;

Animal Shelter: Any facility operated by a humane society, or municipal agency, or its authorized agents for the purpose of impounding or caring for animals held under the authority of this ordinance or state law;

Auctions: Any place or facility where animals are regularly bought, sold, or traded, except for those facilities otherwise defined in this ordinance. This section does not apply to individual sales of animals by owners;

Circus: A commercial variety show featuring animal acts for public entertainment;

Commercial Animal Establishment: Any pet shop, grooming shop, auction, riding school or stable, zoological park, circus, performing animal exhibition, or kennel;

Grooming Shop: A commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed;

Humane Officer: Any person designated by the state of _____, a municipal government, or a humane society as a law enforcement officer who is qualified to perform such duties under the laws of this State;

Kennel: Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats;

Owner: Any person, partnership, or corporation owning, keeping, or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more;

Performing Animal Exhibition: Any spectacle, display, act, or event other than circuses, in which performing animals are used;

Pet: Any animal kept for pleasure rather than utility;

Pet Shop: Any person, partnership, or corporation, whether operated separately or in connection with another business enterprise except for a licensed kennel, that buys, sells, or boards any species of animal;

Public Nuisance: Any animal or animals which:

1. molests passersby or passing vehicles
2. attacks other animals
3. trespasses on school grounds
4. is repeatedly at large
5. damages private or public property
6. barks, whines, or howls in an excessive, continuous, or untimely fashion;

Restraint: Any animal secured by a leash or lead, or under the control of a responsible person and obedient to that person's commands, or within the real property limits of its owner;

Riding School or Stable: Any place which has available for hire, boarding and/or riding instruction, any horse, pony, donkey, mule, or burro;

Veterinary Hospital: Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals;

Vicious Animal: Any animal or animals that constitute a physical threat to human beings or other animals;

Wild Animal: Any live monkey (non-human primate), raccoon, skunk, fox, poisonous snake, leopard, panther, tiger, lion, lynx, or any other warmblooded animal which can normally be found in the wild state;

Zoological Park: Any facility, other than a pet shop or kennel, displaying or exhibiting one or more species of non-domesticated animals operated by a person, partnership, corporation, or government agency.

SECTION 2. Licensing

(a) Any person owning, keeping, harboring, or having custody of any animal over three months of age within this municipality must obtain a license as herein provided. This provision may not apply to the keeping of small cage birds, or aquatic and amphibian animals solely as pets.

(b) Written application for licenses shall be made to the Licensing Authority which shall include name and address of applicant, description of the animal, the appropriate fee, and rabies certificate issued by a licensed veterinarian or anti-rabies clinic.

(c) If not revoked, licenses for the keeping of dogs and cats shall be for a period of one or more years.

(d) Application for a license must be made within thirty days after obtaining a dog or cat over three months, except that this requirement will not apply to a non-resident keeping a dog or cat within the municipality for not longer than sixty days.

(e) License fees shall not be required for seeing eye dogs or governmental police dogs.

(f) Upon acceptance of the license application and fee, the Licensing Authority shall issue a durable tag or identification collar, stamped with an identifying number and the year of issuance. Tags should be designed so that they may be conveniently fastened or riveted to the animal's collar or harness.

(g) Dogs and cats must wear identification tags or collars at all times when off the premises of the owners.

(h) The Licensing Authority shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public.

(i) The licensing period shall begin with the fiscal year and shall run for one year. Application for license may be made thirty days prior to, and up to, sixty days after the start of the fiscal year. Persons applying for a license during the licensing year shall be required to pay 50% of the fee stipulated in this section.

(j) Persons who fail to obtain a license as required within the time period specified in this section will be subjected to a fine of \$10.

(k) A license shall be issued after payment of the applicable fee:

1. for each unneutered male dog	\$10
2. for each unneutered male cat	5
3. for each unspayed female dog	10
4. for each unspayed female cat	5
5. for each neutered male dog	2
6. for each neutered male cat	2
7. for each spayed female dog	2
8. for each spayed female cat	2

(l) A duplicate license may be obtained upon payment of a \$1 replacement fee.

(m) No person may use any license for any animal other than the animal for which it was issued.

SECTION 3. Permits

(a) No person, partnership or corporation shall operate a commercial animal establishment or animal shelter without first obtaining a permit in compliance with this section.

(b) The Licensing Authority shall promulgate regulations for the issuance of permits and shall include requirements for humane care of all animals and for compliance with the provisions of this ordinance and other applicable laws. The Licensing Authority may amend such regulations from time to time as deemed desirable for public health and welfare and for the protection of animals.

(c) Upon a showing by an applicant for a permit that he is willing and able to comply with the regulations promulgated by the Licensing Authority, a permit shall be issued upon payment of the applicable fee.

(d) The permit period shall begin with the fiscal year and shall run for one year. Renewal applications for permits shall be made thirty days prior to, and up to sixty days after, the start of the fiscal year. Application for permit to establish a new

commercial animal establishment under the provisions of this ordinance may be made at any time.

(e) If there is a change in ownership of a commercial animal establishment, the new owner may have the current permit transferred to his name upon payment of a \$10 transfer fee.

(f) Annual permits shall be issued upon payment of the applicable fee:

1. for each kennel authorized to house less than 10 dogs or cats	\$ 25
2. for each kennel authorized to house 10 or more but less than 50	50
3. for each kennel authorized to house 50 or more dogs or cats	100
4. for each pet shop	75
5. for each riding stable	75
6. for each auction	50
7. for each zoological park	100
8. for each circus	25
9. for each performing animal exhibition	50
10. for each grooming shop	50

(g) Every facility regulated by this ordinance shall be considered a separate enterprise and requires an individual permit.

(h) Persons operating kennels for the breeding of dogs or cats may elect to license such animals individually.

(i) No fee may be required of any veterinary hospital, animal shelter, or government-operated zoological park.

(j) Failure to obtain a permit before opening any facility covered in this section shall result in a fine of \$200.

(k) Any person who has a change in the category under which a permit was issued shall be subject to reclassification and appropriate adjustment of the permit fee shall be made.

SECTION 4. License and Permit Issuance and Revocation

(a) The Licensing Authority may revoke any permit or license if the person holding the permit or license refuses or fails to comply with this ordinance, the regulations promulgated by the Licensing Authority, or any law governing the protection and keeping of animals.

(b) Any person whose permit or license is revoked shall, within ten days thereafter, humanely dispose of all animals owned, kept, or harbored and no part of the permit or license fee shall be refunded.

(c) It shall be a condition of the issuance of any permit or license that the Licensing Authority shall be permitted to inspect all animals and the premises where animals are kept at any time and shall, if permission for such inspections is refused, revoke the permit or license of the refusing owner.

(d) If the applicant has withheld or falsified any information on the application, the Licensing Authority shall refuse to issue a permit or license.

(c) No person who has been convicted of cruelty to animals shall be issued a permit or license to operate a commercial animal establishment.

(f) Any person having been denied a license or permit may not reapply for a period of thirty days. Each reapplication shall be accompanied by a \$10 fee.

SECTION 5. Restraint

(a) All dogs shall be kept under restraint.

(b) No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance.

(c) Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

(d) Every vicious animal, as determined by the Licensing Authority, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.

SECTION 6. Impoundment and Violation Notice

(a) Unrestrained dogs and nuisance animals shall be taken by the police, animal control officers, or humane officers and impounded in an animal shelter and there confined in a humane manner.

(b) Impounded dogs and cats shall be kept for not less than five working days.

(c) If by a license tag or other means, the owner of an impounded animal can be identified, the animal control officer shall immediately upon impoundment notify the owner by telephone or mail.

(d) An owner reclaiming an impounded cat shall pay a fee of \$5, plus \$1 for each day the animal has been impounded.

(e) An owner reclaiming an impounded dog shall pay a fee of \$10, plus \$2 for each day the animal has been impounded.

(f) Any animal not reclaimed by its owner within five working days shall become the property of the local government authority, or humane society, and shall be placed for adoption in a suitable home or humanely euthanized.

(g) In addition to, or in lieu of, impounding an animal found at large, the animal control officer, humane officer, or police officer may issue to the known owner of such animal a notice of ordinance violation. Such notice shall impose upon the owner a penalty of \$10 which may, at the discretion of the animal owner, be paid to any agency designated by the Licensing Authority within seventy-two hours in full satisfaction of the assessed penalty. In the event that such penalty is not paid within the time period prescribed, a criminal warrant shall be initiated before a magistrate and upon conviction of a violation of this ordinance, the owner shall be punished as provided in Section 13 of this ordinance.

(b) The owner of an impounded animal may also be proceeded against for violation of this ordinance.

(b) The Licensing Authority shall review automatically all licenses issued to animal owners against whom three or more ordinance violations have been assessed in a twelve-month period.

SECTION 7. Animal Care

(a) No owner shall fail to provide his animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

(b) No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.

(c) No owner of an animal shall abandon such animal.

(d) No person shall crop a dog's ears, except when a licensed veterinarian issues a signed certificate that the operation is necessary for the dog's health and comfort, and in no event shall any person except a licensed veterinarian perform such an operation.

(e) Chickens or ducklings younger than eight weeks of age may not be sold in quantities or less than twenty-five to a single purchaser.

(f) No person shall give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter, any contest, game, or other competition, or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.

(g) Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner; in the event the owner cannot be ascertained and located such operator shall at once report the accident to the appropriate law enforcement agency or to the local humane society.

(h) No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal, provided that it shall not be unlawful for a person to expose on his own property common rat poison mixed only with vegetable substances.

SECTION 8. Keeping of Wild Animals

(a) No person shall keep or permit to be kept on his premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses.

(b) No person shall keep or permit to be kept any wild animal as a pet.

(e) The Licensing Authority shall have the power to release or order the release of any infant wild animal kept under temporary permit which is deemed capable of survival.

SECTION 9. Performing Animal Exhibitions

(a) No performing animal exhibition or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner which will cause, or is likely to cause, physical injury or suffering.

(b) All equipment used on a performing animal shall fit properly and be in good working condition.

SECTION 10. Animal Waste

The owner of every animal shall be responsible for the removal of any excreta deposited by his animal(s) on public walks, recreation areas, or private property.

SECTION 11. Sterilization

No unclaimed dog or cat shall be released for adoption without being sterilized, or without a written agreement from the adopter guaranteeing that such animal will be sterilized, and a deposit of at least \$15 must be paid at the time of adoption.

SECTION 12. Enforcement

The civil and criminal provisions of this ordinance shall be enforced by those persons or agencies designated by municipal authority. It shall be a violation of this ordinance to interfere with a humane officer in the performance of his duties.

SECTION 13. Penalties

Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$25 nor more than \$500. If any violation be continuing, each day's violation shall be deemed a separate violation. If any person be found guilty by a court of violating Section 8, his permit to own, keep, harbor, or have custody of animals shall be deemed automatically revoked and no new permit may be issued.

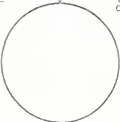
SECTION 14. Conflicting Ordinances

All other ordinances of the City of _____ that are in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 15. Severability Clause

If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

Appendix B—Sample Forms

DATE _____ TIME _____		BLOOMINGTON ANIMAL CONTROL DEPARTMENT 3410 S. Hwy. 37 339-2261 ext. 271
NAME _____		
ADDRESS _____		
A HUMANE OFFICER FROM THE BLOOMINGTON ANIMAL CONTROL DEPARTMENT VISITED YOUR HOME TODAY AND FOUND YOU NOT AT HOME.		
A report has been received indicating one of the following possible violations in regards to your animal(s):		
<input type="checkbox"/> RUNNING AT LARGE ordinance 7 24 010 <input type="checkbox"/> WITHOUT CURRENT CITY LICENSE ordinance 7 12 010 <input type="checkbox"/> CREATING A PUBLIC NUISANCE ordinance 7 28 010 <input type="checkbox"/> YOUR PET BIT SOMEONE ordinance 7 44 020 <input type="checkbox"/> WITHOUT PROPER FOOD ordinance 7 36 050 <input type="checkbox"/> WITHOUT PROPER WATER ordinance 7 36 050 <input type="checkbox"/> WITHOUT PROPER SHELTER ordinance 7 36 050 <input type="checkbox"/> APPEARS TO NEED MEDICAL ATTENTION ordinance 7 36 050 <input type="checkbox"/> YOUR ANIMAL HAS BEEN TAKEN TO THE ANIMAL SHELTER		
DESCRIPTION _____		
<input type="checkbox"/> Please contact officer _____ at 339-2261, ext. 271 as soon as possible <input type="checkbox"/> IF YOUR PET HAS NO CURRENT CITY LICENSE, YOU MUST OBTAIN ONE BY _____ OR MAKE OTHER ARRANGEMENTS WITH ME BY THAT DATE. FAILURE TO COMPLY WILL RESULT IN A FINE EVERY DAY AFTER THE SPECIFIED DATE. <input type="checkbox"/> (Other) _____		

COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX

DEPARTMENT OF ANIMAL CONTROL

Last	First	Middle	Race	Sex	Weight	Height	11177	
Address			Eyes	Hair	D O B	MO.	DAY	YEAR
City			State		Animal Lic. No.	Rabies Expiration Date:		
Offense Charged			County		State			
Location of Offense			Date	Time	Section:		Date of Arrest	
Warden: Signature			Badge No.	Convicted of:				
Sentence	Fine	Costs	YOU ARE HEREBY SUMMONED TO APPEAR IN THE FAIRFAX COUNTY GENERAL DISTRICT COURT AT 4000 CHAIN BRIDGE RD., FAIRFAX, VIRGINIA ON AT A.M.-P.M.					
SIGNING THIS SUMMONS IS NOT AN ADMISSION OF GUILT.			FAILURE TO COMPLY WITH THIS SUMMONS CONSTITUTES A SEPARATE OFFENSE					
Defendant's Signature:								

REG. NO. _____ REL. NO. _____

ADOPTER _____

ADDRESS _____

PERM ☐ TEMP ☐ (If temp., enter perm. below)

CITY _____ STATE _____ ZIP _____

DATE _____

PERM. _____ PHONE H: _____ W: _____ LIC # _____

BREED _____ COLOR _____ AGE _____ PET NAME _____ SEX: M ☐ F ☐ VACC: D ☐ DATESTRAY ☐ OWNED ☐ N/M ☐ S/F ☐ Fe. Ent. ☐ R ☐**NOTICE! READ BEFORE SIGNING!**

I hereby acknowledge receiving from the Humane Society of Huron Valley the above animal which I agree to care for humanely, and WITHIN THIRTY (30) DAYS HEREOF OR BY THE AGE OF SEVEN (7) MONTHS, WHICHEVER TIME IS LONGER, SPAY IF A FEMALE OR NEUTER IF A MALE and license in accordance with the laws and ordinances in force in the municipality in which I reside. I also agree not to sell, trade, or dispose of said animal in any way, but to return it to the Humane Society of Huron Valley if at any time I desire to relinquish custody, or if claimed by a former owner. I further agree that said animal shall not be used for medical or any other experimental purpose whatever. IT IS UNDERSTOOD THAT THE HUMANE SOCIETY OF HURON VALLEY MAY EXAMINE AND MAKE INQUIRY ABOUT SAID ANIMAL AT ANY TIME AND IF NOT SATISFIED WITH CONDITIONS, SAID ANIMAL MAY BE IMMEDIATELY CONFISCATED BY OFFICERS, AGENTS, OR EMPLOYEES OF THE SOCIETY. I have read the foregoing, have had it explained to me verbally, and thoroughly understand what is written herein.

SIGNED _____

HUMANE SOCIETY OF HURON VALLEY
 3100 CHERRY HILL ROAD 662-5585
 ANN ARBOR, MICHIGAN 48105
 SPAY CLINIC 662-4365

ADOPTION FORM

Memorandum

To Councilwoman Vivian Schmidt and

Date Sept. 7, 1981

Councilman Donald Schmidt

From John H. Logan

Subject Animal Control Bill

COPIES TO:

You have requested my opinion pertaining to certain objections raised by Warren Wyneken to the proposed Animal Control Ordinance.

Mr. Wyneken's first objection involves Section 6-2, page 4, lines 23-26. I believe that this portion of the Ordinance shown on page 4, line 20-1/2 to 26, as Amended 8/31/81 should be changed but for a different reason than stated by Mr. Wyneken. In my opinion this portion of the 8/31/81 Amendment is a patent ambiguity with Article VIII Section 6-21, page 16, line 10 to 25 because it provides a different method of impoundment and retention of animals than does Article VIII. I would recommend that Section 6-3 (6) be rewritten to read as follows:

"(6) To cause to be investigated all reports and complaints concerning any inhumane treatment or practices pertaining to animals within the City. To cause to be impounded at the Animal Control Shelter or suitable places designated by Animal Control Shelter all animals found in conditions adverse to their health and safety. Such impoundment or placement shall be in accordance with the provisions of Article VIII Section 6-21."

I do not believe that the Bill is "so poorly drawn as to be confusing or unintelligible".

The above matters were particularly invited to my attention for opinion. I would recommend that wherever th word "shelter" e.g., Section 6-3 be changed to read Animal Control Shelter since this is defined in Article I and should be consistently used throughout the Ordinance.

As to No. I of Mr. Wyneken's summary, I believe that Section 6-18 (3) on page 13 of the Amended Bill 8/31/81 gives the officer "recourse to every remedy provided by law to secure lawful entry and inspect the property."

Without certain legal precautions as to reasonable search and seizure enforcement of this provision could be an unconstitutional invasion against the right of people

Memorandum Continued -
Page #2
Vivian Schmidt and
Donald Schmidt

to be secure in their persons, houses, papers and effects against unreasonable search or seizure." Both the United States Constitution and the Indiana Constitution provide that the right of people to be secure in their persons, houses, papers and effects against unreasonable search and seizure shall not be violated.

The law authorizes any person whether sworn police officer or civilian to make an arrest when that person observes the commission of a misdemeanor in his presence. Violations of the Ordinance are not felonies but are akin to misdemeanors only. Unless all officers enforcing inspection under Section 6-18 possess sworn police powers they would have no right to enter on and inspect premises without the owner's consent. Furthermore, unless the Animal Control officers are sworn police officers, they would have no right to arrest or inspect for violation of said law.

The Common Council may enact valid legislation authorizing searches and seizures to be made, but since the violation of this Ordinance is not a felony, this search would be strictly construed in favor of the constitutional rights of people.

Furthermore, as I stated several weeks ago, only sworn police officers and not their agents have a right to search and sieze and local officers cannot enforce Federal law.

I recommend that Section 6-18 be completely rewritten and present for your consideration the following language. Beginning on line 28, page 12 through line 17-1/2 on page 13:

"Section 6-18 - INSPECTION.

Whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by this Ordinance or when there is reasonable cause to believe that there exists in any building or upon any premises any violation of the provisions of this Ordinance or Indiana State law, the Animal Control Officer or Health Officer or Police Officer is authorized at all reasonable times to inspect the same for compliance with the provisions of this Ordinance or any State law; provided that:

Page #3
Vivian Schmidt and
Donald Schmidt (Memo)

- a. If the property is occupied, the officer shall first present proper credentials to the occupant and request entry explaining the reasons therefor; and
 - b. If the property is unoccupied, the officer shall make a reasonable effort to locate the owner or other persons having control of the property and request entry explaining the reasons therefor.
- (2) In the event the Animal Control Officer, Board of Health or Police Officer, has reasonable cause to believe that the keeping or maintaining of an animal is so hazardous, unsafe or dangerous as to require immediate inspection to safeguard the animal or the public health or safety the officer shall first present proper credentials and request entry explaining the reasons therefor. If entry is refused or cannot be obtained because the owner or other person having charge or control of the property cannot be found after reasonable search, the Officer shall have recourse to obtain a search warrant to secure lawful entry and inspection of the property.

Respectfully submitted,

JOHN H. LOGAN

jhl/bm

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Councilman Donald Schmidt
From John H. Logan

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Memorandum Continued -
Page #2
Vivian Schmidt and
Donald Schmidt

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Page #3
Vivian Schmidt and
Donald Schmidt (Memo)

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- (2) In the event the Animal Control Officer, Board of Health or Police Officer, has reasonable cause to believe that the keeping or maintaining of an animal is so hazardous, unsafe or dangerous as to require immediate inspection to safeguard the animal or the public health or safety the officer shall first present proper credentials and request entry explaining the reasons therefor. If entry is refused or cannot be obtained because the owner or other person having charge or control of the property cannot be found after reasonable search, the Officer shall have recourse to obtain a search warrant to secure lawful entry and inspection of the property.

Respectfully submitted,

JOHN H. LOGAN

jhl/bm



The City of Fort Wayne

Office of the Mayor

14 September, 1981

The Members of City Council
The City-County Building
One Main Street
Fort Wayne, Indiana 46802

Dear Members of Common Council:

Upon continuing review of the proposed Animal Control Ordinance, and after consultation with a number of citizens, I would like to clarify my position on one particular aspect of the bill. The revised proposal contains a new provision, a "Domestic Household Breeder's Permit," a concept I endorse.

As I interpret the language of Section 6-10, the intent of the ordinance is to allow only one litter of kittens or puppies per animal during a 12 month period. However, the ordinance does not specify "per animal;" the provision reads, "...shall not be permitted to allow the whelping of more than one litter in his or any other domestic household in a twelve-month period."

If the intent is one litter per animal, than I support this aspect of the ordinance. If, however, the intent is truly one litter per household--even though a permit holder may have up to three animals--than I am opposed to the provision as stated.

In addition, there is some confusion as to who must obtain the permit. If for example, I own a male dog and mate him with a female dog in someone else's household, must both I and the owner of the female dog obtain Domestic Breeder's Permits? I am not sure I accept the notion of two permits for one breeding. A more reasonable approach would be to require only one permit, to be obtained by the owner of the female animal. Sharing of payment for the permit would then be handled as a separate contractual arrangement between the two animal owners, not be directly regulated by the ordinance.

Sincerely,

Win Moses, Jr.
Mayor



OFFICE OF THE CITY CLERK

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

charles w. westerman, clerk -- room 122

October 6, 1981

Ms. Virginia Grace
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, Indiana 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates of October 9 and October 16, 1981, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, Indiana

Animal Ordinance
Bill No. G-81-08-16 (as amended)
General Ordinance No. G-14-81

Please send us five (5) copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,

Charles W. Westerman
City Clerk

CWW/ne
ENCL: 1

LEGAL NOTICE

Notice is hereby given that on the 22nd day of September, 1981, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. G-81-08-16 (as amended) -- General Ordinance No. G-14-81; being AN ORDINANCE dealing with animal control, care and disposition, creating an animal control commission, the rigid enforcement of laws dealing with animals and repealing all ordinances in conflict herewith.

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. G-81-08-16 (as amended) -- General Ordinance No. G-14-81, was passed by the Common Council on the 22nd day of September, 1981, said Ordinance was signed and approved by the Mayor on the 2nd day of October, 1981, and remains on file and on record in my office.

Copies of Bill No. G-81-08-16 (as amended) -- General Ordinance No. G-14-81 will be posted for reading in the following places in Fort Wayne, Allen County, Indiana;

- (1) The main floor of the City-County Building
- (2) The bulletin board in the lobby of Downtown Fort Wayne Public Library
- (3) The bulletin board in the lobby at the East door of the Allen County Court House

Copies of Bill No. G-81-08-16 (as amended) -- General Ordinance No. G-14-81, will be available for reading in the following places in Fort Wayne, Allen County, Indiana.

- (1) Reference Room in the north end of the main floor in said Downtown Public Library
- (2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana

Charles W. Westerman
Charles W. Westerman
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinance in the designated places as stated on October 9, 1981.

Charles W. Westerman
Charles W. Westerman
City Clerk

Charles W. Westerman city clerk

To... NEWS-SENTINEL ...Dr.

(Governmental Unit)

Allen

County, Ind

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines

0

Body number of lines

58

Tail number of lines

2

Total number of lines in notice

60

COMPUTATION OF CHARGES

60 lines, 1 columns wide equals 60 equivalent lines at .276¢ \$ 16.56
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

1.50

TOTAL AMOUNT OF CLAIM.

\$ 18.06

DATA FOR COMPUTING COST

Width of single column 9.6 picas

Size of type... 6 point

Number of insertions... TWO

Size of quad upon which type is cast... 6

Pursuant to the provision and penalties of C

I hereby certify that the foregoing account has been paid.

Date Oct 16, 19 81

Form 903

diana do hereby certify that Bill No. G-81-08-16 (as amended) — General Ordinance No. G-14-81, was passed by the Common Council on the 22nd day of September, 1981, said Ordinance was signed and approved by the Mayor on the 2nd day of October, 1981, and remains on file and on record in my office.

Copies of Bill No. G-81-08-16 (as amended) — General Ordinance No. G-14-81 will be posted for reading in the following places in Fort Wayne, Allen County, Indiana:

- (1) The main floor of the City-County Building
 - (2) The bulletin board in the lobby of Downtown Fort Wayne Public Library
 - (3) The bulletin board in the lobby at the East door of the Allen County Court House
- Copies of Bill No. G-81-08-16 (as amended) — General Ordinance No. G-14-81, will be available for reading in the following places in Fort Wayne, Allen County, Indiana. (1) Reference Room in the north end of the main floor in said Downtown Public Library (2) The Journal of the Common

Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana

Charles W. Westerman

City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinance in the designated places as stated on October 9, 1981.

Charles W. Westerman

City Clerk

10-9-81

giving all just credits, and that no part of the same

Title... CLERK

NOTARY AFFIDAVIT

I, D. ROOSE, a notary public in and for said county and state, the who, being duly sworn, says

CLERK

NTINEL

DAILY

a... newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA town of

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows:

10/9/16/81

Subscribed and sworn to before me this 16th day of Oct, 19 81

Anne M. Perkins
Notary Public

My commission expires november 29, 1985

Notice is hereby given that on the 22nd day of September, 1981, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. G-81-08-16 (as amended) — General Ordinance No. G-14-81; being AN ORDINANCE dealing with animal control, care and disposition, creating an animal control commission, the rigid enforcement of laws dealing with animals and repealing all ordinances in conflict herewith. I, Charles W. Westerman, Clerk of the City of Fort Wayne, In-

Charles W. Westerman city clerk
(Governmental Unit)

To NEWS SENTINEL Dr.

Allen County, Ind

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines	<u>0</u>
Head number of lines	<u>58</u>
Body number of lines	<u>2</u>
Tail number of lines	<u>60</u>
Total number of lines in notice	

COMPUTATION OF CHARGES

60 lines, 1 columns wide equals 60 equivalent lines at .276¢ \$ 16.56
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount) 1.50

Charge for extra proofs of publication (30 cents for each proof in excess of two) \$ 18.06

TOTAL AMOUNT OF CLAIM.

DATA FOR COMPUTING COST

Width of single column 9.6 picas Size of type 6 point

Number of insertions two Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89, Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

D. ROOSE

Date Oct 16 19 81

Title CLERK

Form 903

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned D. ROOSE who, being duly sworn, says that she is CLERK of the

NEWS SENTINEL
DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA town

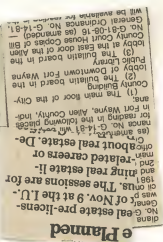
in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows:

10/9/16/81

Subscribed and sworn to before me this 16th day of Oct 19 81

Anne M. Perkins
Notary Public

My commission expires november 29, 1985



Charles W. Westerman City Clerk
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head number of lines

0

Body number of lines

58

Tail number of lines

2

Total number of lines in notice

60

COMPUTATION OF CHARGES

60 lines, 1 columns wide equals 60 equivalent lines at 27¢ cents per line \$16.56

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

1.50

TOTAL AMOUNT OF CLAIM.

\$18.06

DATA FOR COMPUTING COST

Width of single column 9.6 picas

Size of type 6 point

Number of insertions two

Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Arvilla Dewald

Date

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned, ARVILLA DEWALD, who, being duly sworn, says that she is, CLERK of the

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA town of

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times the dates of publication being as follows:

10/9/16/81

Subscribed and sworn to before me this 16th day of Oct 19 81

Arvilla Dewald
Charles W. Westerman
Notary Public

My commission expires November 29, 1985

Notice is hereby given that on the 22nd day of September, 1981, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. G-81-08-16 (as amended) — General Ordinance No. G-14-81, being AN ORDINANCE dealing with animal control, care and disposition, creating an animal control commission, the rigid enforcement of laws dealing with animals, and repealing all ordinances in conflict herewith. I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that Bill No. G-81-08-16 (as amended) — General Ordinance No. G-14-81, was passed by the Common Council on the 22nd day of September, 1981, said Ordinance was signed and approved by the Mayor on the 2nd day of October, 1981, and remains on file and on record in my office.

Copies of Bill No. G-81-08-16 (as amended) — General Ordinance No. G-14-81 will be posted for reading in the following places in Fort Wayne, Allen County, Indiana:

(1) The main floor of the City-Courthouse Building
(2) The bulletin board in the lobby of Downtown Fort Wayne Public Library
(3) The bulletin board in the lobby at the East door of the Allen County Court House
Copies of Bill No. G-81-08-16 (as amended) — General Ordinance No. G-14-81, will be available for reading in the following places in Fort Wayne, Allen County, Indiana: (1) Telephone Room in the north end of the main floor in said Downtown Public Library
(2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana

Charles W. Westerman
City Clerk
I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinance in the designated places as stated on October 9, 1981.
Charles W. Westerman
City Clerk

Charles W. Westerman City Clerk
(Governmental Unit)

To: JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines	_____
Head number of lines	<u>0</u>
Body number of lines	<u>58</u>
Tail number of lines	<u>2</u>
Total number of lines in notice	<u>60</u>

COMPUTATION OF CHARGES

60 lines, 1 columns wide equals 60 equivalent lines at 276¢ \$16.56
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount) _____

Charge for extra proofs of publication (50 cents for each proof in excess of two) 1.50

TOTAL AMOUNT OF CLAIM \$18.06

DATA FOR COMPUTING COST

Width of single column 9.6 picas Size of type 6 point

Number of insertions two Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89, Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Arvilla DeWald

Date Oct 16, 19 81

Title CLERK

Form 904

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned, ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE
DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA town

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows:

10/9/16/81

Subscribed and sworn to before me this 16th day of Oct, 19 81

My commission expires November 29, 1985

Arvilla DeWald
Arvilla DeWald
Notary Public

are now being
Everything, with
Check the rates
this ad for your
side. Everything

(as amended) - General Ordinance No. G-14-81 will be posted for reading in the following places in Fort Wayne, Allen County, Indiana:

(1) The main floor of the City-County Building.

(2) The bulletin board in the lobby of Downtown Fort Wayne Public Library.

(3) The bulletin board in the lobby at the East door of the Allen County Court House. Copies of Bill No. G-81-28-16 (as amended) - General Ordinance No. G-14-81, will be available for reading in the following places in Fort Wayne, Allen County, Indiana: (1) Reference Room in the north end of the main floor in said Downtown Public Library.

(2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana.

Charles W. Westerman
City Clerk
I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinance in the designated places as stated on October 9, 1981.

Charles W. Westerman
City Clerk